1	Q. (BY MS. KRAMER) And the City
2	pointed you to this General Order, correct?
3	A. They gave it to me, yes.
4	Q. And this General Order was issued
5	in 1993; is that right?
6	A. Well, that's what it says, yes.
7	Q. And this was provided to you for
8	your audit of sex-related crimes from January 2018
9	to July 2022; is that right?
10	MR. LAKEY: Object to form.
11	A. Yes.
12	Q. (BY MS. KRAMER) Was there no more
13	recent policy that the City provided for you?
14	A. No.
15	Q. Based on your experience, should
16	JCPD have updated this policy at some point over the
17	30-year period?
18	A. You would I would like to see a
19	department update a policy from 1993, you know,
20	specifically because it's there probably has
21	some changes have occurred in the collection of
22	evidence for forensic analysis or something.
23	But, you know, this is not a
24	this is not a policy that usually stays within the
25	past couple of years, but I would have liked to have

seen an updated version of this. And I think that's 1 2 what we addressed in our findings with things that 3 could be updated in the policy or in the General 4 Order. 5 Following the A through N list on Ο. Page 16 of your report, it states, "Our audit of 6 7 case files found multiple investigations where the officers failed to document their preliminary 8 9 investigation or did not sufficiently conduct a preliminary investigation." 10 11 Did I read that correctly? 12 Α. Yes, ma'am. 13 Did you find that, in practice, Ο. 14 JCPD investigations violated General Order 600.02? 15 MR. LAKEY: Object to form. 16 Α. I found that some were good 17 and some were bad. It's not -- it wasn't like 18 everyone was a failure, but there was -- it was a --19 and that's the reason why I used the language that I 2.0 used, was that, you know, whether -- you can't give 21 people credit for things they do unless they don't -- they do them, right? So even if an officer 22 2.3 did a proper preliminary investigation but didn't write it down in the report, I can't give them 24 25 credit for it.

So did I find evidence in the assessment of the 326 where the officer did a good preliminary? Yes. But I also found cases where there was not a good preliminary investigation done or a documentation of a good preliminary investigation, which is why I -- we identified those.

2.0

2.3

Q. (BY MS. KRAMER) Of the case files where there was documentation for you to evaluate the quality of the preliminary investigation, how often did those meet the criteria set forth in General Order 600.02?

A. I don't know sitting here. I mean, it's in the data sets that we provided, but the problem is that we're -- you know, you have to go back through all -- there's a lot here to get -- to do an assessment, we're talking about eight months worth of data analysis and reading and detail. So, you know, the information's there. But I don't know as I sit here today, you know, how many were done, this one little preliminary investigation, how many were done correctly or not correctly. I came to the conclusion that a percentage of them, a significant percentage of them, were not done correctly, which is why I made the finding.

1 MS. KRAMER: Okay. It's one minute 2 before 1:30. So I think we'll take a break here for lunch, and we can go off the 3 4 record. VIDEOGRAPHER: Okay. We are now 5 6 off the record. The time is 1:29 p.m. 7 Eastern time. (Off the record at 1:29 p.m.) 8 9 (On the record at 2:37 p.m.) 10 VIDEOGRAPHER: Okay. We are now 11 back on the record. The time is 2:37 p.m. Eastern time. 12 13 BY MS. KRAMER: 14 Ο. Mr. Daigle, before the break we 15 were talking about preliminary investigation 16 portions of sex-related crimes, and I'd like to draw 17 your attention to Page 17 of your report. 18 And can you read the first two 19 sentences of the full paragraph at the top of 2.0 Page 17, please? 21 Α. "Experienced investigators understand that physical evidence is located, 22 2.3 collected, and analyzed for the investigation and prosecution of a criminal act. This is extremely 24 25 important in sex-related crimes since physiological

1	fluids, DNA, trace	e evidence, and drugs can be
2	difficult to locat	te and secure."
3	Q. I	Mr. Daigle, do you stand by that
4	statement?	
5	A. :	I do.
6	Q. 2	And looking down at Recommendation
7	3(a), the report s	states, "JCPD should develop a
8	checklist for all	sex-related investigations by
9	responding office	rs and supervisors to ensure
10	consistency in co	llecting and documenting evidence."
11	1	Do you stand by that
12	recommendation?	
13	Α.	I do, yes.
14	Q. 1	Do you know if JCPD ever developed
15	a checklist for a	ll sex-related investigations?
16	Α.	I do not.
17	Q. 1	Looking at Part B of your finding
18	No. 3, the report	states, "JCPD's securing of crime
19	scenes and using a	search warrants to document
20	evidence were four	nd to be insufficient."
21	1	Do you see that?
22	Α.	Yes, ma'am.
23	Q	And what led you to make this
24	finding?	
25	Α.	The audit, reviewing of the

1 reports, and the actions identified on the reports. 2 Ο. And is this finding a finding based on your overall review of the case files? 3 Yes, ma'am. 4 Α. 5 And you would not reach this Ο. finding based on one failure to use a search 6 7 warrant, correct? 8 Α. No. 9 Ο. And you wouldn't base this finding on a single instance of failure to secure a crime 10 11 scene, correct? No, ma'am. 12 Α. 13 Ο. You have a reference on this page 14 in Footnote 4 to an IACP Model Policy for 15 Investigating Sexual Assaults. 16 Do you see that? 17 Α. Yes, ma'am. 18 Q. And sitting here today, do you know how that Model Policy compares to the policy in 19 2.0 place at JCPD when you were conducting your audit? 21 MR. LAKEY: Objection to the form. 22 Α. Not on a line-by-line analysis. Ιt 2.3 would just be that that -- we're supporting the --24 supporting the finding that industry standards 25 express detailed considerations for evidence

1	collection and crime scene response and utilizing
2	the International Chiefs of Police's Model Policy on
3	investigating sexual assaults as an example of that.
4	Q. (BY MS. KRAMER) And so is it fair
5	to say that your finding is that JCPD's securing of
6	the crime scene fell below that industry standard?
7	MR. LAKEY: Objection to form.
8	A. In cases that we looked at yes.
9	Q. (BY MS. KRAMER) And is it fair to
10	say that JCPD's use of search warrants to document
11	evidence also fell below industry standards?
12	MR. LAKEY: Objection to form.
13	A. Based on our review of some of the
14	cases, yes.
15	Q. (BY MS. KRAMER) We talked earlier
16	about the words policy and practice, and you
17	described the well, I won't ask you that same
18	question.
19	But how do you how do you
20	define sorry. Strike that.
21	I asked you before about policies
22	and procedures, and you described how that has sort
23	of changed over time in the industry, the
24	understanding of those two words.
25	Is that fair?

1	MR. LAKEY: Object to the form.
2	A. Yes, that's fair.
3	Q. (BY MS. KRAMER) Can you summarize
4	again how you view the use of the words policy and
5	procedure?
6	A. The industry is all across the
7	board. At one point there was policy, which was
8	theory-based application, and procedures, which was
9	operations-based application. Everybody uses it
10	intra integrate it back and forth.
11	So we've tried to make some clarity
12	in that by going to something other than policies
13	and procedures to identify the book or the manual
14	that guides the practice.
15	Q. So it would be your preference to
16	have a specific reference point, for example, a
17	General Order?
18	MR. LAKEY: Object to form.
19	A. That's what we do here, is we build
20	General Orders. That's how we do things at Daigle
21	Law Group.
22	Q. (BY MS. KRAMER) And how do you
23	define a practice?
24	A. A practice is something that I
25	think we basically defined it this morning when we

1 talked about taking multiple external sources that 2 we would use as quidance, and that would be a 3 recommended practice. 4 That recommended practice would come from utilizing sources that are leading in the 5 6 industry and providing them as quidance or practice 7 and what we should do based on consistency. And aside from what would be 8 Q. 9 recommended practice, is a practice also just something you observe as the -- I think it's quoted 10 11 in your as how we do it here? Is that fair? 12 13 MR. LAKEY: Object to form. 14 Α. Now, that practice could be the 15 agency's practice, right? The agent. And in that 16 situation I would use the word custom. The agency 17 has a custom of doing things a certain way. whether that custom -- there's a lot of words used 18 19 for the same theory, but a lot whether that custom 2.0 is in form with industry standards is part of the analysis for it. 21 (BY MS. KRAMER) Understood. 22 Q. 2.3 And looking again at the recommendation that you just read, and it applies to 24 25 both responding officers and supervisors, why is it

1 important that both responding officers and 2 supervisors would utilize a checklist for all 3 sex-related investigations? MR. LAKEY: 4 Object to form. Α. 5 All investigations, specifically those that have physiological fluids and evidence 6 7 that needs to be collected in a timely manner, you know, that's where we want people to pay attention 8 9 to securing and seizing evidence. In sexual assault investigations, 10 11 that evidence -- that evidence can be easily removed 12 and can be moved to another area or -- and can be 13 contaminated. So you want to -- it's kind of like, 14 you know, there's an old saying, you know, like in 15 homicide the first 24 hours are the most important 16 because if you don't -- if you don't collect the 17 evidence, then sometimes you can lose the evidence. So we like to make sure that with 18 19 responding officers and the supervisors that are 2.0 supervising them, that they -- that they pay 21 attention to the things that are -- that can be And sometimes evidence, forensic type 22 lost. 2.3 evidence, can be easily lost. (BY MS. KRAMER) Forensic type of 24 Ο. 25 evidence that would exist in a sex crime, correct?

1	A. Yes. Yes.
2	Q. Looking at your Recommendation 3(b)
3	on Page 18 of your report, Recommendation 3(b) is,
4	"Officers, supervisors, and investigators must be
5	retrained on department policy related to the
6	investigation of sex-based crimes and the District
7	Attorney's Sex-Related Crimes Protocol. There must
8	be collaboration and teamwork between the patrol and
9	the Criminal Investigations Divisions."
10	Did I read that correctly?
11	A. Yes, ma'am.
12	Q. Do you stand by that
13	recommendation?
14	A. Yes, ma'am.
15	Q. Do you know if JCPD retrained
16	officers, supervisors, and investigators on
17	investigation of sex-based crimes?
18	A. I do not. No, ma'am.
19	Q. Do you know if officers,
20	supervisors, and investigators at JCPD were
21	retrained on the District Attorney's Sex-Related
22	Crimes Protocol?
23	A. I do not.
24	Q. Sorry. I'm missing a page here.
25	Okay. Let's look at Page 19 of

1 your report, please. And we touched on this, earlier, 2 3 but in the second paragraph on Page 19 you note that, "During our interviews, we were advised that 4 5 investigators would maintain paper files and take notes regarding investigatory steps. Once the case 6 7 was closed, the file would be destroyed. Investigators said they would usually only scan 8 9 their cases into the system if they were 'going 10 anywhere'. The investigators complained that doing 11 it correctly meant duplicating efforts on the written case log and entering information into the 12 13 computer-based system." 14 Did I read that correctly? 15 Α. Yes, ma'am. 16 0. Is that a correct finding that you 17 made in connection with your audit? 18 Α. That's my finding, yes. 19 Ο. And in terms of the complaint that 2.0 maintaining paper records was duplicating efforts, did you find that to be a legitimate rationale for 21 destroying records? 22 2.3 MR. LAKEY: Objection to form. Α. The -- I don't know that it was 24 25 their rationale for destroying records. What they

1 were saying is that the case management system is 2 there for you to go in and put in incident reports. And basically what they were saying is they would 3 4 have to write reports in two different locations; one in their file folder, and then they would have 5 to write it again and place it into the computer 6 7 system. Some investigators actually did 8 9 that, and you can see that occur, but that's what they were talking about in the duplicating efforts, 10 11 which is you'd have to write it as a report and then put it into the case management system in addition 12 13 to writing it as a report. 14 (BY MS. KRAMER) And in your Q. 15 recommendation 3(c), "Supervisors, officers, and 16 investigators must be held accountable for 17 documenting criminal investigations and maintaining the proper case files." 18 19 Do you stand by that 2.0 recommendation? 21 Α. Yes, ma'am. In practice, what does it look like 22 Q. 2.3 for supervisors to be held accountable for documenting criminal investigations? 24 25 MR. LAKEY: Object to form.

1	A. What I mean by accountable is that
2	if they're not following in the operations world
3	of law enforcement, if they're not following policy
4	and training, the way they're supposed to be doing
5	it, they should be disciplined and action should be
6	taken to correct the what they're doing. So when
7	we talk about accountability, we talk about, you
8	know, discipline.
9	Q. (BY MS. KRAMER) Are you aware of
10	any JCPD officers that were disciplined as a result
11	of failing to document criminal investigations?
12	A. No, ma'am.
13	Q. Are you aware of any JCPD
14	investigators that were disciplined for failing to
15	maintain proper case files?
16	A. No.
17	Q. Your finding 3(d), and this is on
18	the bottom of Page 19 is that, "The case file
19	records were deficient in the documentation of
20	witness interviews."
21	Do you see that?
22	A. Yes, ma'am.
23	Q. And do you stand by that finding?
24	A. Yes, ma'am.
25	Q. And your focus here is on a failure

1	to document; is t	chat correct?
2	Α.	Yes.
3	Q.	And that's different from a failure
4	to do the intervi	ews, right?
5	Α.	Yes.
6	Q.	Did you make a finding on whether
7	interviews were,	in fact, conducted?
8	A.	No.
9	Q.	Did you interview officers about
10	whether they were	e consistently interviewing
11	witnesses?	
12	Α.	No.
13	Q.	Did you talk to D.A. Finney ever
14	about JCPD invest	igators interviewing witnesses?
15	A.	No, I don't no, I did not.
16	Q.	In recommendation 3(d) you state,
17	that, "Supervisor	rs, officers, and investigators must
18	be held accountab	ole for fully investigating the
19	allegation, inclu	ding interviewing known witnesses."
20		Do you stand by that
21	recommendation?	
22	Α.	Yes, ma'am.
23	Q.	In your experience, how many times
24	have you had to m	make a recommendation to a police
25	department that t	they interview known witnesses?

1 MR. LAKEY: Objection to form. 2 Α. I'm not capable of giving that 3 opinion, because every -- every assessment or investigation is different, a different scope of 4 5 analysis, so --(BY MS. KRAMER) Can you think of a 6 Ο. 7 single time that you've had to make a recommendation to a police department that they should interview 8 known witnesses in sex-related crimes? 9 MR. LAKEY: Objection to form. 10 11 Α. Well, not sex-related crimes, but I 12 also haven't done, you know, a lot of audits on 13 departments for sex-related crimes, but -- so 14 usually where I do deal with this is like -- where 15 we do most of our audits is use of force. 16 oftentimes, in our use of force audits or our 17 internal affairs audits, were recommending that, you 18 know, witnesses be interviewed to document what 19 happened. 2.0 (BY MS. KRAMER) Why is it important Ο. for a witness in a sex crime to be interviewed? 21 22 Well, I think a witness in anything Α. 2.3 is important to be interviewed solely for the fact that they are usually an independent source, with --24 25 you know, I think I put in the report -- no dog in

the fight. And they can -- you know, witnesses can give you information about, you know, what happened. And they're not the accused, and they're not the victim. So they might give you, you know, better information. So witnesses are just valuable in all investigations.

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2.3

Q. Would you agree that they're particularly valuable in sex-based investigations where there may be only the allegations of the victim and the denial of the perpetrator?

MR. LAKEY: Objection to form.

A. Sure. If there -- if there is a witness to some parts of the alleged act, you know, to be able to evaluate the credibility of the statements, that may assist in an investigation.

I think my biggest criticism here was there were places where allegations of sexual assault had occurred and multiple witnesses were at a party and nobody was interviewed. You have to do some form of witness interviews, and that's most important, especially for first responders that are going to the scene initially and, you know, identifying at least who is at the party and who's there and getting names so that the investigators can follow up with them later if they need to.

1	Q. (BY MS. KRAMER) And it's important
2	for the investigators to actually follow up and
3	conduct those witness interviews, right?
4	MR. LAKEY: Objection to form.
5	A. I believe so, yes.
6	Q. (BY MS. KRAMER) Moving on to
7	conclusion or sorry. This is actually 3(e),
8	Finding 3(e). "JCPD has a practice of not
9	conducting suspect interviews."
10	Do you stand by that finding?
11	A. Yes.
12	Q. The first sentence states that this
13	was, quote, "the most concerning."
14	Do you remember do you
15	remember strike that.
16	What when you use the language
17	most concerning here, what does that mean?
18	A. That means of the deficiencies that
19	I was addressing in the audit report, the fact that
20	suspects were not being contacted was concerning to
21	the audit.
22	Q. Can you read the following two
23	sentences starting with, "Our review"?
24	A. "Our review showed that JCPD
25	detectives often did not make sufficient efforts to

1 obtain statements from suspects and witnesses 2 quickly, and at times not at all. In fact, in 3 reviewing cases regarding rape allegations between 2018 and 2022, it was found that in 133 4 rape-reported cases, 105 cases had an identified 5 6 suspect." 7 Two more sentences, please. Q. 8 Α. Okay. 9 "Of significant concern is that of 10 the 105 known suspects identified, the suspect was 11 interviewed in only 36 cases. Therefore, in the 133 rape-related cases between 2018 and 2022, only 12 13 34 percent of the known and identified suspects were 14 interviewed or even contacted." 15 Ο. Why is it detrimental to an 16 investigation to not make sufficient efforts to obtain statements from suspects and witnesses in 17 sex-related crimes? 18 19 MR. LAKEY: Objection to form. Α. 2.0 So to this point, we talked about 21 witnesses. We talked about evidence selection, you know, all of those things that might not be possible 22 2.3 in a criminal case. Like, you know what, you could -- you could lose a witness. You could not 24 25 document.

1 But when we get to the suspect, and 2 when we have an identified suspect, what was very --I would just use the word intriguing to myself and 3 4 my team, who was experienced, was that we just couldn't understand why you would not contact the 5 6 suspect since it is normal for criminal 7 investigators to, at least at some point, make contact with the suspect and let them know they're 8 9 being alleged of a crime of such significance and 10 see if they're willing to talk to you. 11 You know, obviously, they have 12 their rights. They don't have to talk to you. 13 my experience has been that individuals being 14 accused of such a crime are sometimes more often 15 willing to have a conversation with you, even with 16 an attorney, just because they want to get their 17 side on the record of what happened. (BY MS. KRAMER) You mentioned 18 Ο. 19 earlier when we were talking about sex-based crimes 2.0 that there may be issues of credibility. 21 Would you agree that suspect admissions or statements are going to be 22 2.3 particularly valuable in that context? MR. LAKEY: Object to form. 24 25 Α. I think -- I do agree that locking

1 in a suspect and locking in a witness is important 2 in the investigation, because everything that occurs from that point on is going to be dealing with 3 4 credibility assessment. 5 (BY MS. KRAMER) The report states Ο. that during your interviews, "Investigators 6 7 confirmed that it was a practice at JCPD not to contact the alleged suspect until they were 8 9 convinced that the assault reasonably did occur. This is baffling to the DLG team." 10 11 Did I read that correctly? 12 Α. You did, yes. 13 Is baffling the word that you were Ο. 14 looking for before? 15 MR. LAKEY: Object to form. 16 Α. I'll go with it. 17 Ο. (BY MS. KRAMER) And what does it 18 mean -- what is your take on the fact that these 19 investigators needed to be convinced that the 2.0 assault reasonably did occur before they would 21 interview a suspect? 22 MR. LAKEY: Object to form. 2.3 Α. Well, what do you mean by what does it mean? I don't understand that. 24 25 (BY MS. KRAMER) How do you evaluate Ο.

1 that? 2 I mean, you noted it in your 3 report, so it seems important to you, right, that 4 the -- that the investigators needed to be "convinced that the assault reasonably did occur" 5 6 before contacting the suspect. 7 Α. Yeah. My interpretation of that was that if they believed a sexual assault had 8 9 occurred, that they were -- therefore, they would 10 reach out to the suspect because it had occurred, 11 meaning they believed -- the investigator believed that there was sufficient evidence that the assault 12 13 had occurred. 14 Q. Right. 15 So your understanding is 16 investigators did not go out and try to get an 17 interview with the suspect unless and until they had 18 concluded that an assault reasonably did occur; is 19 that right? 2.0 MR. LAKEY: Object to form. 21 Α. That was my understanding, yes. (BY MS. KRAMER) And did you ask the 22 Q. 2.3 investigators about that in your interviews? I did. I asked everybody that we 24 Α. 25 had talked to about that and whether it was

1 partially a custom of the agency that it had 2 occurred over a period of time or an understanding of the way -- I think one of the -- one of the 3 statements was made, "Well, we're not going to --4 you know, if it's not -- if it's not -- if the 5 assault didn't occur, then why would you go do that 6 7 to a suspect?" 8 And part of our response was, 9 "Because there's a criminal allegation. You have 10 to -- whether the allegation is correct or 11 incorrect, but you have to do the investigation." 12 And so that was -- you know, that's why I used the 13 word baffling, because I don't think anybody had a 14 really good -- really good explanation for why they 15 didn't contact suspects. 16 Ο. Is it possible that an 17 investigator's belief in the alleged assault can be impacted by bias? 18 19 MR. LAKEY: Objection to form. 2.0 Oh, absolutely. Α. 21 Ο. (BY MS. KRAMER) Do you think that's especially true in this context specifically, 22 2.3 meaning for sex-related crimes? MR. LAKEY: Object to form. 24 25 Α. I think it has its place. That's

1 why I dealt with it in the report. I don't know that -- you know, there's a lot of crimes that could 2 Obviously, the sexual-related crimes 3 involve bias. 4 are unique enough that I addressed it in the report 5 because of the possible biases that leads to that conclusion. 6 (BY MS. KRAMER) So Recommendation 7 Ο. 3(e) states, "Identifiable suspects in a criminal 8 9 investigation will be interviewed." Do you stand by that 10 11 recommendation? Α. Yes. 12 13 Have you ever had to make that Ο. 14 recommendation to a police department before? 15 MR. LAKEY: Object to form. 16 Α. I have not. 17 Q. (BY MS. KRAMER) And why is that? 18 MR. LAKEY: Object to form. 19 Α. There's never been a -- I don't 2.0 think I've had an audit that was unique to that specific issue. 21 22 (BY MS. KRAMER) Have you Q. 2.3 encountered another police department that 24 demonstrated a failure to interview suspects in 25 criminal investigations, along the lines of what you

1 observed in your audit of the JCPD Police 2 Department? Object to form. 3 MR. LAKEY: 4 Α. This was a unique audit, you know, to the specifics of what we're auditing here. 5 I've never looked at any other department to whether 6 7 or not they've interviewed suspects or not. (BY MS. KRAMER) In your career in 8 Q. 9 law enforcement, did you ever observe a police department that failure -- failed to interview known 10 11 criminal suspects? 12 MR. LAKEY: Object to form. 13 Α. That's a pretty totality situation. 14 I will tell you that it's been my experience and 15 custom and practice in this -- across the country 16 that if you have a known suspect to a sexual assault 17 crime that you're going to -- you're going to 18 attempt contact with that person at some point. 19 0. 100 percent of the time? MR. LAKEY: Object to form. 2.0 21 Α. I'm not going to 100 percent anything, because there's always a nuance issue that 22 2.3 could come up. Sometimes you can't find them, but that's a whole other issue. 24 25 (BY MS. KRAMER) Does a failure to Ο.

1 even attempt to contact a known suspect 60 percent 2 of the time fall below industry standards? MR. LAKEY: Object to form. 3 4 Α. I would say yes. (BY MS. KRAMER) And you've 5 Ο. identified this as a JCPD practice. 6 7 Is it fair to say that that practice is depriving rape victims of the same 8 9 protection by law enforcement that you think is constitutionally sound? 10 11 MR. LAKEY: Object to form. During the years that we saw this Α. 12 13 occurring, I would say that it is depriving the 14 victims of their rights, yes. 15 Ο. (BY MS. KRAMER) Let's look at 16 Finding -- this is 3(f) that says, "JCPD's 17 investigative processes discourage victim participation." 18 19 What information do you recall went 2.0 into this finding? It would be the review of case 21 Α. files and the interview of the -- specifically -- I 22 2.3 probably talked to everybody about it, but specifically the two female investigators that we 24 25 spoke with.

1 Ο. And you don't recall their names, do you? 2 Dunn and Cara -- Carol. 3 Α. Yeah. Carol Lowe, does that sound right 4 Ο. to you? 5 Yes. 6 Α. 7 Ο. And why was it specifically the conversations with the female investigators that 8 9 gave you information to make this finding? Well, I think it was twofold. 10 Ι 11 think, first, is it Lowe? Cara -- Carol was a 12 victim centric individual based on her experience, 13 and so she had a lot of knowledge of victims. Ι 14 think it was really good for JCPD having her in that 15 role, because she was very in tune to victims and 16 the atmosphere that you dealt with a victim in. 17 she would see things that she didn't think were as open to a victim. 18 19 And then there was Debbie Dunn who, 20 you know, expressed her opinions on the fact that the victim was -- you know, this was not a victim --21 a victim centric process, meaning you have to -- in 22 2.3 these types of crimes, as we've discussed, you have to understand what surrounds the sexual assault, the 24 25 trauma, the victimization of it, and take additional

1 steps in the way you do an interview and where you 2 do the interview and how you keep the victim 3 updated. It's a lot more of a hands-on 4 approach than a lot of crimes where, you know, like 5 you get your car stolen or you get, you know, a TV 6 stolen out of your house is a lot different than a 7 victim crime of sexual assault. 8 9 Is it fair to say that Investigator Ο. Dunn alerted you to criticisms that she found within 10 11 the police department regarding discouraging victims of sex crimes from participating in investigations? 12 13 MR. LAKEY: Object to form. 14 Α. Yeah, she did. There was some 15 credibility challenges to what she was saying. 16 was obviously not happy with the police department and the people that worked there. It was pretty 17 obvious, so --18 (BY MS. KRAMER) Do you know if 19 0. 2.0 Ms. Dunn can still --21 MR. LAKEY: Can you just let him finish his statement before you start your 22 2.3 next question? Can you ask the question again? 24 Α. 25 I'm sorry.

1 Q. (BY MS. KRAMER) I'm going to move 2 on. Do you know if Ms. Dunn is still 3 4 employed by JCPD? 5 Α. When I met with Ms. Dunn, she was over at the sheriff's office already. She had 6 7 already left. Do you know if Ms. Lowe is still 8 Q. 9 with the Johnson City Police Department? When we interviewed her, she was 10 11 talking about going to a state job. I don't know if she did do that. 12 13 Ο. Did either -- or did Ms. Dunn 14 express to you that her desire to leave JCPD was 15 because of sex bias? 16 MR. LAKEY: Objection to form. 17 Α. I don't know. I mean, she was --18 she was very eager to talk to us. She had a lot of -- she had a lot of complaints, and I don't know 19 2.0 whether she retired and took another job or why she left. I don't remember if that was the number one 21 22 I know she was not happy at the department, reason. 2.3 and that was pretty clear to me. 24 (BY MS. KRAMER) If we move on to Ο. 25 Page 22 --

1	COURT REPORTER: Hey, Jon, when you
2	object, can you object just a little bit
3	louder? I'm struggling to hear every one of
4	them.
5	MR. LAKEY: Yep, I sure will.
6	Q. (BY MS. KRAMER) The first full
7	paragraph on Page 22 says, "Experience has shown
8	that victim participation can significantly increase
9	the success of investigations, as well as a
10	successful prosecution."
11	Did I read that right?
12	A. Yes, ma'am.
13	Q. And we talked earlier about the
14	issue of a victim not wishing to pursue her case.
15	Do you remember that?
16	A. Yes.
17	Q. But it's true that the D.A. can
18	still prosecute a case, even if the victim does not
19	want to participate; is that correct?
20	MR. LAKEY: Objection to form.
21	A. I don't think that's correct for
22	all age victims in Tennessee. I don't know that
23	your victim specific rules I don't know that in
24	Tennessee that if the victim doesn't want to
25	prosecute over the age of 18 that they can.

1 I do know that that's -- because 2 that was a big part of what I looked at. In some states there's rules that the State can take over as 3 the victim. I did not understand that to be the 4 case over the age of 18 in Tennessee. So that would 5 6 be the only thing that would cause challenges there. 7 (BY MS. KRAMER) Your understanding Ο. is that if somebody over the age of 18 and they do 8 9 not wish to participate in a criminal investigation of a sex crime, the police cannot continue 10 11 investigation and the D.A. cannot prosecute. Is that your understanding? 12 13 What am I understanding --Α. 14 MR. LAKEY: Object to form. 15 Q. (BY MS. KRAMER) Let me restate 16 that. 17 Is it your understanding that if a victim of a sexual assault is over 18 and states 18 19 that she does not wish to pursue her case that the 2.0 D.A. cannot pursue the case? Is that your 21 understanding? 2.2 That's my understanding, because Α. 2.3 you need a victim, unless it's a child. victim rights laws in this country about criminal 24 25 acts and having a victim. That's why we talked

1 about earlier about the right -- that, 2 unfortunately, victims are victimized a lot in the criminal justice system. 3 4 Again, I was trying to get some clarity of that from D.A. Finney and -- but it's my 5 understanding that -- it wasn't clear to me. 6 7 don't -- I didn't do any legal research on it, but that was --8 9 Ο. Did D.A. -- sorry. MR. LAKEY: Ms. Kramer, please let 10 11 him finish. I said sorry. 12 MS. KRAMER: 13 MR. LAKEY: But it's like the third 14 time it's happened. 15 THE WITNESS: We're both very --16 MR. LAKEY: I know, but she -- for 17 the record, let's please try to let him 18 finish answering before asking the next 19 question. 2.0 So that's why in the notes you see Α. I asked those questions and, as I was talking about, 21 because I was trying to get clarity of what the 22 victim laws were in the State of Tennessee. 2.3 there are some places in the country where you 24 25 cannot prosecute if the victim over a certain age

1 does not -- is not willing to participate. 2 Ο. (BY MS. KRAMER) Did D.A. Finney 3 tell you that a sexual assault victim over the age 4 of 18 who expresses an unwillingness to participate in the prosecution will not have a case proceed by 5 the District Attorney? 6 7 Α. No. MR. LAKEY: Object to form. 8 9 Α. He did not. Like I said, I told you I don't -- I don't recall what even the outcome 10 11 was, but that was the issue on the table. 12 possible? 13 Ο. (BY MS. KRAMER) You asked him and 14 he did not have an answer; is that correct? 15 MR. LAKEY: Object to form. 16 Α. I don't remember what his answer 17 was, to be honest with you. 18 Q. (BY MS. KRAMER) Are you aware of 19 cases involving sexual assault where, let's say, 2.0 it's between spouses, and the D.A. intends to 21 prosecute and can have a victim appear through 22 subpoena power? Are you aware of that? 2.3 MR. LAKEY: Object to form. Α. Sure, in certain parts of the 24 25 country.

1	Q. (BY MS. KRAMER) And is it your
2	understanding that's not possible in Tennessee?
3	A. Like I said, I don't know. I
4	didn't that's not part of my analysis. This
5	doesn't matter whether it's possible or not. That's
6	the prosecutor's problem. It's not JCPD's problem.
7	JCPD has one issue, and that is to
8	do the investigation. The prosecutor's office has
9	to decide who they're going to prosecute and whether
LO	they can prosecute.
11	Q. I guess what I'm trying to
12	understand is if we're looking at a victim's
13	unwillingness to participate in a prosecution, is it
L4	your understanding that that alone can preclude the
15	D.A. from pursuing a case in Tennessee?
16	MR. LAKEY: Object to form.
17	A. You're asking it the same way you
18	just asked it where I said I don't know the answer
19	to that. I don't know whether that's the case or
20	not.
21	Q. (BY MS. KRAMER) Did it seem did
22	you encounter anyone within the Johnson City Police
23	Department who believed that a victim's
24	unwillingness to participate in the prosecution was
25	a lone reason that the D.A. could not pursue a case?

1 MR. LAKEY: Object to form. 2 Α. I would say that, based on if you read a lot of the cases and interview the 3 4 investigators, they will say that when the 5 prosecutors were advised that the witness was -- or 6 the victim was not willing to participate in the 7 investigation or testify in court, that we found 8 cases where the prosecutors closed the case for no 9 prosecution based on that -- on that reason. And so 10 that was part of the analysis here. 11 (BY MS. KRAMER) If we look on --Ο. 12 you have a numbered list here on Page 22 of your 13 report. And if you look at No. 5, you find, "JCPD's 14 sexual assault investigations are sometimes 15 compromised by an investigator's unwarranted 16 gender-based assumptions and stereotypes about 17 women." 18 Do you stand by that finding? 19 Α. Yes, ma'am. 2.0 And what were the sources of Ο. 21 information that went into that finding? Α. So it would -- the first part is 22 2.3 when you're looking at reports and you're expecting things to be done in the investigation and you have 24 25 a -- and you have a victim who might be a

prostitute, a well-known -- identifies her as a prostitute, a drug addict, or someone who has been a victim of sexual assault before, and then there is -- the normal steps aren't followed in the investigation, it leads to the conclusion of why?

Why did that occur?

2.0

2.3

And you start to see some patterns with certain females that were in certain -- that were, you know, classified in certain ways, where their cases, you know, were just not given the amount of work that was necessary.

And then talking to, you know,

Investigator Dunn, she had a lot of opinions as to

the biases in the office. But for me, it's about -
it's about the work, right? And if I see a case

where the victim is, you know, a female and she's

not a drug addict and she's not known to be a

prostitute, and they go through and they do

everything the way that they're supposed to

investigate that case, I'm like, "Okay. Perfect."

But then you see the same type of case and the female is placed into a category with a bias, and the same steps aren't followed. It leads you to ask some questions, which is, you know, why? Why were those steps not followed? Same victim.

1 Same situation. The only difference is the apparent 2 biases that could come with the basis -- with the 3 victim's category. On Recommendation 3(f), this is on 4 Ο. Page 23. Sorry. Let me skip that. Move on to 5 6 3(q). 7 Can you read recommendation 3(q), 8 please? 9 Α. Yes, ma'am. Page 24. "Non-stranger and alcohol or 10 11 drug-facilitated sexual assault investigation shall be assigned only to those investigators with the 12 13 demonstrated skills, interest, and training to 14 conduct those investigations effectively and without 15 bias." 16 What does it mean to have an Ο. 17 interest? In the context of investigators at JCPD, 18 what does it mean to have an interest in conducting 19 investigations without bias? 2.0 Α. I mean, it is as simple as it 21 states, meaning that, you know, cops are human In both male and female officers, some are 22 beings. 2.3 just good at some things, and some are just not good at some things. And you have to -- and you have 24 25 to -- if you're the supervisor and you go to assign

1 investigations, you have to take in the person's skill set, their ability, and their desire. 2 You know, you just don't -- you 3 4 don't want to take a victim crime like a rape crisis -- or like a rape and assign it to somebody 5 who does not -- does not care, is just kind of 6 7 pushing the wheel down the road, not really caring about being a good cop, just surviving. 8 9 Q. Did you find that investigators in JCPD, or at least some of them, were disinterested 10 11 in conducting sex crime investigation without bias? Objection to form. 12 MR. LAKEY: 13 Α. What I found is actually the No. 14 alternative, which is there was some really good sex 15 crime investigations, but then there were some 16 investigations that nothing was done. 17 I don't know why the nothing was 18 done. I didn't do an investigation and bring them 19 in and ask them why nothing was done. But when you 2.0 have good ones that do really good investigations, 21 then you have ones that are just not -- not up to par, that's part of the reasoning, which is, "Hey, 22 2.3 Why is it not up to par?" why? (BY MS. KRAMER) And so your 24 Ο. 25 recommendation here is that if you have a sexual

assault that's non-stranger and alcohol or 1 2 drug-facilitated, you need to find an officer that 3 can conduct that investigation without bias; is that fair? 4 5 Object to form. MR. LAKEY: 6 Α. It's not really fair, because 7 you're focusing on the bias portion. But if you are -- there's a reason why we have special 8 9 investigation units and we have sexual assault units 10 and we have child crime units. It's because, you 11 know, when I'm working in major crime and I have 12 three little kids, I might not be the right guy to 13 do the child crime investigation. The child --14 somebody else should get that crime, because I might 15 not be able to -- I might not be able to separate my 16 professional and my personal beliefs, because I'm a 17 human being. 18 So what we do in departments is we 19 find people who are -- who are good at certain 2.0 things and skill sets and actually, you know, 21 appreciate doing these investigations. In more of the modern day law enforcement, instead of just 22

taking the next guy up to do the case, you're going

to make sure that the people that you assign it to

are better -- the best qualified to do the

2.3

24

25

1 investigation. 2 Ο. (BY MS. KRAMER) And your finding 3 was that JCPD had not consistently found the right 4 people to do these investigations, correct? MR. LAKEY: Object to form. 5 6 Α. My conclusion was that the 7 investigations at JCPD were so inconsistent that I want to know why they're so inconsistent. Why do 8 9 some do such a good job and some of them don't do 10 such a good job. 11 (BY MS. KRAMER) Did any of the Ο. 12 investigators that you interviewed in connection 13 with your audit demonstrate skills, interest, and 14 training needed to conduct sexual assault 15 investigations without bias? MR. LAKEY: Object to form. 16 17 Α. Well, I only interviewed two female So that's kind of not fair to answer 18 detectives. 19 that question, because I didn't go through the whole 2.0 investigative ranks and interview every investigator 21 at JCPD, you know. So I don't know about them. 22 I mean, I learned about Cara 2.3 through sitting down with her and asking her about her background, her history, her education, which it 24 25 looks like she would be a very good sex -- sex and

1 child investigator. I don't know enough about the other ones that work there. 2 (BY MS. KRAMER) You didn't ask the 0. 4 male JCPD investigators -- sorry. You didn't determine whether the 5 6 male JCPD investigators that you interviewed had the 7 skills, interest, and training to conduct a sex-related crime without bias? 8 9 Α. Well, if you remember the list of people I interviewed, I didn't interview any male 10 11 investigators. I interviewed male supervisors. 12 And what's your view of those male Ο. 13 supervisors in terms of their skill, interest, and 14 training to conduct a sexual assault investigation 15 without bias? 16 MR. LAKEY: Object to form. 17 Α. I don't know enough, except the 18 sergeants seemed like they were very well 19 experienced investigators, but I hadn't -- I hadn't 2.0 seen any of their work and whether there was any issues with their work. 21 2.2 (BY MS. KRAMER) Would you expect --0. 2.3 or shouldn't we expect that every police officer is able to investigate a case without exhibiting bias? 24 25 MR. LAKEY: Object to form.

1	A. No. I think that would be naive.
2	Q. (BY MS. KRAMER) What about for
3	sex-based bias specifically?
4	A. I don't know that I can answer that
5	any different than being naive, because it's just
6	like attorneys and judges and doctors. Everybody's
7	got biases. So you don't know what will be
8	triggering that bias.
9	Q. In your opinion, how do we control
10	for the possibility of sex-based bias existing in
11	investigators?
12	MR. LAKEY: Object to form.
13	A. It's a great question, actually,
14	which is we we in we clearly interview to find
15	skill sets of the individuals who choose to do that
16	job. We get them additional training in victim
17	advocacy and interaction with victims. And then we
18	closely monitor them as they start doing these
19	investigations and, you know, checks and balances to
20	make sure they're doing it correctly.
21	Q. (BY MS. KRAMER) Is it fair to say
22	those are institutional safeguards?
23	A. Well, what do you mean by
24	institutional?
25	Q. I mean that what you're describing

1 seems to be that the department as a whole needs to 2 take certain actions to quard against sex-based bias impairing effective investigation of sex-related 3 4 crimes. 5 Object to form. MR. LAKEY: Well, I think every investigative 6 Α. 7 unit in the country has to do that. I think it's part of the -- it's part of the job of being an 8 9 investigator nowadays. (BY MS. KRAMER) And it's the 10 Ο. 11 department as a whole that has that responsibility. Would you agree? 12 13 MR. LAKEY: Object to form. 14 Α. I would say that there's -- it's 15 the responsibility of each members of the department 16 to check each other, and it's the responsibility of 17 the supervision to hold them accountable to it. (BY MS. KRAMER) Where do -- where 18 Ο. 19 does training fit into that assessment? 2.0 Α. Training is a normal course of 21 getting any professional. No matter what you do in your life, and in law enforcement, like whatever you 22 2.3 want to do as a specialty you have to get training in it. 24 25 So I think in the area of

1 investigations, we see a lot more training now than 2 we ever did on victim interaction and cognitive interviewing and, you know, trying to get victims 3 4 through the forensic examinations without trauma. Would you agree that sound training 5 Q. is essential for a police department to have 6 7 unbiased investigations of sex crimes? MR. LAKEY: Object to form. 8 9 Α. Training is one of my cornerstones. So I would say yes. 10 11 (BY MS. KRAMER) Would you agree Ο. that supervision is essential to ensure that police 12 13 departments can conduct investigations of 14 sex-related crimes without bias? 15 MR. LAKEY: Object to form. 16 Α. Yes, but I'd like to qualify that 17 to say that it is also the importance of supervision 18 to make sure that proper documentation occurs so 19 that it doesn't get misperceived as a bias that does 2.0 not exist. 21 Ο. (BY MS. KRAMER) Your findings with respect to bias, they're not based on an absence of 22 2.3 documentation, are they? MR. LAKEY: Object to form. 24 25 They're supported by an absence of Α.

1	documentation, yes	
2	Q. (I	BY MS. KRAMER) The bias itself,
3	you're saying, is s	supported by the fact
4	A. Ye	eah.
5	I	m sorry. I cut you off.
6	Q. It	t's okay.
7	D:	d you review the case files for
8	the victims of Sear	n Williams?
9	Le	et me let me take a step back.
10	Do	you know who Sean Williams is?
11	A. I	do now, yes.
12	Q. Wh	nen did you learn who Sean
13	Williams is?	
14	A. We	ell, through the Dahl deposition
15	and news stories th	nat had come out after out
16	around that time in	n late 2023 no, late 2024.
17	When was I deposed?	
18	20	024. No way. It is 2024. So
19	2023. I'm sorry.	
20	Q. So	you think you learned of who
21	Sean Williams is th	rough your deposition in the Dahl
22	litigation.	
23	Is	s that what you said?
24	A. Ye	eah. So when I got the case, I
25	was aware of a lit:	igation case, but I didn't I

1 didn't -- I'm not here investigating those aspects. 2 So I knew that there was a lawsuit, and I had seen a 3 copy of the Complaint. But other than that, I did 4 not know about the -- in-depth how much involvement was with JCPD. And because of the litigation that 5 was out there, and because I was clear with JCPD of 6 7 my scope was, you know, I didn't focus on those cases in addition to -- any different than any other 8 9 cases that I took. Did you have a discussion with 10 Ο. 11 Cathy Ball specifically about whether you would review the case files for victims of Sean Williams? 12 13 I'm sure I did. I don't -- what I Α. 14 remember is this: The case files that oftentimes, 15 like I said, were incomplete, the ones that I was 16 given. So one of the questions that I was dealing with was with the department and saying, "You know, 17 18 we should do an investigation, because an 19 investigation is going to allow me to figure out 2.0 more of why things occurred the way they were." 21 And also, I was made aware that there was more case files that were in the 22 2.3 litigation process, but I don't have access to them because I'm not -- I'm not taking external 24 25 documents. I'm only taking what's in the system,

1 you know, whatever is in the case files for these 2 reports. So I don't -- I don't have these external 3 documents or external explanations. 4 And so I just made sure that they -- that the town knew this, knew that I 5 couldn't do more than what I had. And so that's how 6 7 we left it. Did you -- so you advised Johnson 8 Q. 9 City that you were willing to do an investigation into how JCPD handled allegations against Sean 10 11 Williams? MR. LAKEY: Objection to form. 12 13 Α. First, I don't advise, Yeah. 14 because I'm not their advisor, but I -- during the 15 course of my analysis here, and I think even as I 16 addressed in the report, I suggested that they had a 17 lot of unanswered questions. I don't like unanswered questions. Like -- and so I advised they 18 19 might want to consider doing an investigation and 2.0 determine why things are the way they are. So that -- and that was where I left it. 21 (BY MS. KRAMER) And what did the 22 Q. 2.3 City say when you suggested an investigation into JCPD's handling of Sean Williams? 24 25 MR. LAKEY: Objection to form.

1	A. I didn't have they took my
2	suggestion, and I didn't have any further
3	conversation with them about that.
4	Q. (BY MS. KRAMER) They did not engage
5	you to conduct that investigation, right?
6	MR. LAKEY: Objection to form.
7	A. They did not, no.
8	Q. (BY MS. KRAMER) Are you aware if
9	they engaged anyone to conduct that investigation?
10	A. I am not, no.
11	Q. You mentioned that reviewing or
12	sorry.
13	You mentioned that in this
14	discussion with the City concerning Sean Williams
15	that there were case files that you had not had
16	access to; is that correct?
17	MR. LAKEY: Objection to form.
18	A. Yes.
19	Q. (BY MS. KRAMER) And what were
20	those?
21	A. Well, I didn't have access to them.
22	Q. Is it your understanding that those
23	were case files?
24	MR. LAKEY: Object to form.
25	A. I don't know what they

1 THE WITNESS: I'm sorry. MR. LAKEY: That's okay. 2 3 Α. I don't know what they were. 4 know that, during the course of my interview, I sat down with Chief Turner at the time and explained 5 that, "Hey, you know, there's -- there's too much 6 7 missing here. What are we going to do about that?" And he said, "Well, there's more, but it's all in 8 the litigation." I said, "Well, if it's -- if it's 9 not case files that I can get my hands on, like I'm 10 11 doing everything else, then it's not -- it's not something that I want to -- I wanted to add." 12 13 Because it -- it would -- the 14 problem is that when we're assessing, we have to 15 assess consistently, right? Now, if I assess these 16 325 cases consistently, and you give me a whole box for one case, that's not -- that's not going to help 17 18 the assessment part. So the end result was I didn't get it, I didn't ask for it, and it wasn't part of 19 my analysis. 2.0 21 Ο. (BY MS. KRAMER) And when you say you didn't get it, you are referring to some 22 2.3 documents, you don't know what they are, but you know they exist because of your conversation with 24 25 Chief Turner; is that correct?

1 MR. LAKEY: Object to form. 2 Α. That is correct. 3 Let me put it more a little 4 clearer, and that's this: In one of the Sean Williams case, the actions of the officers just -- I 5 don't understand. Like why? Why did the officer 6 7 not secure the residence? Why did the officer not do this? I really wanted to know the answers to 8 9 those questions, because there's no report that tells me why this didn't occur, and these are 10 11 significant. 12 And when that conversation came up, the answer was there may be more case reports that I 13 14 don't have. And I said, "Okay. Well, if they're 15 not part of this case file, then I don't -- I'm not 16 going to take them. If they're part of a litigation, whatever that may be, it's not part of 17 the case file." 18 19 Ο. (BY MS. KRAMER) And by case file, 20 you mean it's not part of the 326 files and related 21 documents that you were given to conduct this audit; is that correct? 22 2.3 Yeah. That's fair, yes. Α. 24 Q. And do you remember anything else 25 about that Sean Williams case that you just

1 referenced that you were particularly interested in? 2 Α. No. The only reason I don't -- the 3 only reason I remember that one is because it's a 4 part of the -- it's part of the report. It's an example in the report here. 5 And so when I was reviewing my 6 7 report, I actually reviewed the case file for that. And so that's the only reason why I remember that 8 9 one. Do you know -- you can refer to 10 Ο. 11 your report. 12 Do you know where you are making reference to what you believe is a Sean Williams 13 14 case in your report? 15 I know I messed it up in my depo, Α. 16 and I'm going to have to look. 17 On Page 18, the third example on 18 I forget the -- it refers to a case and, you know, obviously we don't use names or anything 19 2.0 in the report. 21 But the third example on Page 18 was a significant example. We're talking about the 22 2.3 big paragraph in the middle of Page 18. That was a Sean Williams case. Report No. W20006424. 24 25 As far as you know, was this case Ο.

1 the only case that you reviewed relating to Sean Williams? 2 It's my understanding there were 3 4 others. I don't know which ones they are without going through the spreadsheet. 5 Your audit did include more than 6 7 one case relating to Sean Williams? I don't know as I sit here today. 8 Α. 9 This was the only one that was egregious that popped up, you know, in the 300 -- my -- I want to say that 10 I was -- there's more out there, but I don't know of 11 This is the one that was egregious enough. 12 them. 13 That was one of the examples. I used multiple cases 14 as examples in this report, and that was one of 15 them. 16 And why was it so egregious, in Ο. 17 your view, to -- I think this example is one of failure to secure a crime scene. 18 Why would it have been important 19 2.0 to -- I quess why is it important generally to secure a crime scene? 21 I mean, based on if you just read 22 Α. 2.3 the report in and of itself, it makes no sense whatsoever. Like any brand new rookie out of the 24 25 Academy should be able to look at this and say,

1 "Well, wait. Why? I don't understand." 2 You have a victim running out of a building. Why didn't you secure a -- why didn't you 3 4 secure an apartment? Why didn't you get a supervisor? Why didn't you -- why didn't you call a 5 detective? Why didn't you go upstairs and knock on 6 7 the door? I don't know if any of those things were 8 done. 9 I just know what's in the report, and the report is very vaque and not a lot of 10 11 information. And that's why it was brought out as 12 an example. 13 And when you were reviewing this Ο. 14 case, do you -- there was no documentation of, for 15 example, collection of DNA. 16 Α. Yeah. There's not much of anything 17 in this case documentation wise. So it's a pretty 18 straightforward -- you know, I was really focused 19 mainly as -- I use it as a suggestion in this case, 2.0 demonstrating that there was no crime scene 21 security. There was no processing. There was no witness interviews. 22 There was no nothing. 2.3 MS. KRAMER: Okay. Let's take a short break. Let's do until 3:50 Eastern, 24 25 please.

1	VIDEOGRAPHER: Sounds good.
2	We are now off the record. The
3	time is 3:43 p.m. Eastern time.
4	(Off the record at 3:43 p.m.)
5	(On the record at 3:53 p.m.)
6	VIDEOGRAPHER: Okay. We are now
7	back on the record. The time is 3:53 p.m.
8	Eastern Time.
9	BY MS. KRAMER:
10	Q. Mr. Daigle, I'm going to direct you
11	to the second full paragraph on Page 32 of your
12	report.
13	So in this paragraph it says, "When
14	the allegations were made in the above-referenced
15	lawsuit," and that lawsuit is, if you look up, a
16	civil lawsuit filed by former Special Assistant U.S.
17	Attorney Dahl; is that right?
18	COURT REPORTER: Hey, Elizabeth.
19	I'm having a really hard time hearing you.
20	MR. ALLEN: Yes. Same. I can
21	barely hear a word you're saying.
22	MS. KRAMER: Is that is that
23	better?
24	COURT REPORTER: I don't know yet.
25	You'll have to talk a little more.

1	MS. KRAMER: Okay. Talking.
2	Talking. Leaves are green.
3	COURT REPORTER: Okay. That's a
4	little better. It's still soft but
5	MS. KRAMER: Okay.
6	COURT REPORTER: it wasn't
7	nearly as soft as that question.
8	BY MS. KRAMER:
9	Q. Okay. So, Mr. Daigle, this second
10	full paragraph on Page 32 of your report, there's a
11	reference to a lawsuit.
12	We've confirmed that was a civil
13	lawsuit filed by Kat Dahl, correct?
14	A. Yes, ma'am.
15	Q. And then the report says, "The
16	department was concerned that the complaint involved
17	criminal conduct by department members."
18	A. Yes, ma'am.
19	Q. How did how did you know that?
20	A. Through Cathy Ball.
21	Q. What did Cathy Ball say to convey
22	to you that the department was concerned that the
23	complaint involved criminal conduct by department
24	members?
25	MR. LAKEY: Objection to form.

1	A. Yeah. I think it's just in the
2	allegation of the Complaint. They are serious in
3	nature and, you know, when you have when you're
4	in government operations, your first initial
5	reaction is, "Okay. Does this involve criminal
6	allegations? Does it have the possibility of
7	involving criminal allegations?" And they perceived
8	it to have criminal allegations to it.
9	Q. (BY MS. KRAMER) With respect to
10	members of the department, correct?
11	A. That was my
12	MR. LAKEY: Object to the form.
13	A. That was my understanding, yes.
14	Q. (BY MS. KRAMER) So you note here,
15	"an August 24th, 2022 letter to District Attorney
16	Kenneth Baldwin," and you attached that to your
17	report, correct?
18	A. Yes, ma'am.
19	Q. And then you later mention a
20	September 1st, 2022 letter from District Attorney
21	Finney responding to Ms. Ball.
22	Do you see that?
23	A. Yes, ma'am.
24	MS. KRAMER: I'm going to mark my
25	next exhibit.

1	COURT REPORTER: I'm sorry. Did
2	you say you want to you're still soft.
3	Do you want to mark that as an
4	exhibit?
5	MS. KRAMER: Yes. I'm marking the
6	next exhibit.
7	COURT REPORTER: Okay. This will
8	be Exhibit 117.
9	(Exhibit 117 marked).
10	MS. KRAMER: Thank you.
11	Exhibit 117. This is Bates
12	CITY-00066634.
13	And I'll also mark the next
14	exhibit, Exhibit 118, and this is Bates No.
15	CITY-0066618.
16	(Exhibit 118 marked).
17	MR. LAKEY: His copies or I
18	don't know. Well, I just want to make sure
19	he doesn't get confused.
20	THE WITNESS: I can I can make
21	it work. That's fine. Thank you. Yeah.
22	I'm good.
23	Q. (BY MS. KRAMER) Okay. Mr. Daigle,
24	what prompted you to attach these two letters to
25	your report?

1	A. Well, I was obviously we have a
2	section in the recommendation here dealing with the
3	Complaint. And so I wanted to document the steps
4	that the City that Johnson City had taken. A lot
5	of times this is the type of work that I do get
6	involved in, and I think the fact that this
7	documentation
8	COURT REPORTER: Okay. We've lost
9	you completely now, Mr. Daigle.
10	VIDEOGRAPHER: Should we go off the
11	record?
12	MS. KRAMER: No. Hold on one
13	second.
14	COURT REPORTER: Yeah. It was soft
15	before, but then it completely cut out.
16	THE WITNESS: Okay. How about
17	that?
18	COURT REPORTER: Now I can hear you
19	fine, if it can stay that loud.
20	MS. KRAMER: Okay. Great.
21	Q. (BY MS. KRAMER) So in we're
22	looking at Page 32 of your report. And about the
23	third line down you say, "While the department
24	should have opened an internal affairs
25	investigation, it is industry standard to initially

1 address any criminal allegations through the 2 prosecutor's office." Does that relate to your decision 3 4 to attach these two letters to your report, Mr. Daigle? 5 Yes, and the fact that when I had 6 Α. 7 met with Chief Turner, you know, his response to my questioning as to why there weren't taking 8 additional action was, "Well, there was a criminal 9 overview, and so we did what we're supposed to do." 10 11 And I want to acknowledge that 12 there was a criminal audit or a criminal review, 13 which is fine, but that doesn't alleve the 14 department of adjusting the alleged misconduct. 15 Ο. And so in your view, an internal 16 affairs investigation should have been opened? 17 Α. Yes. 18 Ο. And to your knowledge, was an 19 internal affairs investigation ever opened? 2.0 Α. I don't know. 21 Ο. I can represent to you that in this case City Manager Cathy Ball testified that the City 22 2.3 was holding in abeyance the internal affairs investigation pending this lawsuit. 24 25 Does it make sense to you to hold

1 an internal affairs investigation in abeyance due to a civil lawsuit? 2 Α. It does --3 4 MR. LAKEY: Objection to form. Α. It does not. 5 (BY MS. KRAMER) And what's the 6 Ο. 7 problem with waiting to conduct an internal affairs investigation? 8 9 Α. So the purpose of an internal affairs investigation is for departments to 10 11 determine bias. A lot of times the fact that 12 departments hold those IA's is because attorneys 13 make recommendations to them, but they don't 14 understand the big picture. 15 And the big picture is that you 16 have an obligation as a department to investigate misconduct and deal with the misconduct. 17 unfortunately, if you hold misconduct out into 18 19 abeyance, then the people that may or may not have 2.0 done the misconduct either don't get identified and/or don't get cleared. 21 22 You know, somebody could be 2.3 alleging misconduct that is not -- just falsely, and they have the right to have it cleared, too. 24 25 Unfortunately, this is something

1 that I do a lot of and, you know, it is very 2 important for departments to identify the issue and investigate the issue and let litigation go its own 3 4 track, the way it's supposed to. 5 And so it's below industry standard Ο. to hold an internal affairs investigation in 6 7 abeyance during the course of a civil lawsuit; is that correct? 8 9 MR. LAKEY: Objection to form. It is not -- it is not industry 10 11 standards to hold an administrative investigation in 12 abeyance unless there is a pending criminal 13 investigation. 14 A lot of states have a criminal 15 toll which will toll the administrative 16 investigation until the completion of the criminal. 17 But now that this is completed, which is why I 18 brought it up, there is no reason to delay it. 19 Ο. (BY MS. KRAMER) What types of 2.0 things would you do in conducting an internal investigation into the JCPD's handling of Shawn 21 2.2 Williams' cases? 2.3 As I sit here today, I don't Α. 24 remember all of the allegations that were in the 25 Complaint, but I would use the allegations as a

1 roadmap to try and identify the cases that were in 2 there. And I would then attempt to identify the 3 officers or the supervisors or the investigators. 4 would place them under Garrity and interview them and get down to the bottom of what actually 5 6 occurred, bring more light onto the allegations. 7 Like I said, it could be -- it could be good or it could be bad. It could be 8 9 somebody just didn't write something correctly, or 10 it could be that it was, you know, intentional. 11 I think the department has an obligation to find 12 that. 13 Ο. The last sentence of this paragraph 14 states, "The purpose of the investigation may have 15 assisted us in locating or identifying documents 16 specific to the JCPD's investigation of 17 sexual-related cases that were not discovered during the DLG audit." 18 19 Can you explain what you mean by 2.0 that? That's directly to what I had said 21 Α. to you before, which is there's allegedly other 22 2.3 documents. I don't know what these other documents are or why there is other documents. Why are they 24 25 not contained in the case files, you know?

1 And I say this over and over again, 2 but I truly believe it. The audit is not -- it is 3 not an intended negative consequence. It is to give credit where credit is due and to find failures 4 5 where failures are identified. And, unfortunately, if you don't -- if you don't have all the 6 7 information, then you can't give credit where credit is due. 8 9 Ο. If we look at Exhibit 118, this is the letter from D.A. Finney. 10 11 Do you see that? Α. 12 Yes. 13 And were you aware that this was Ο. 14 sent by D.A. Finney on his first day in office? 15 Α. No. 16 Q. And you cite to this letter as --17 I'll read from the paragraph in your report that starts on September 1st, 2022. And the report 18 19 states, "On September 1st, 2022, District Attorney 2.0 General Steven R. Finney responded to Ms. Ball, 21 stating that after a review of the Complaint, he 22 does not have enough information to request a TBI 2.3 investigation." 24 Did you make an assessment as to 25 whether there was enough information to request the

1 TBI investigation? I did not. 2 Α. In your view, if this is District 3 Q. Attorney Finney's first day in office, does that 4 seem like sufficient time for him to have determined 5 that a TBI investigation is not warranted? 6 7 MR. LAKEY: Objection to form. I don't know. 8 Α. 9 Ο. (BY MS. KRAMER) Is one day typically enough time to make that determination, 10 11 based on your experience? 12 MR. LAKEY: Objection to form. 13 Α. I don't know. 14 Q. (BY MS. KRAMER) What kind of 15 evaluation would you expect to go into the 16 determination by District Attorney Finney that he 17 does not have enough information to request a TBI investigation? 18 I would -- if I was in his 19 Α. 2.0 position, it would be a review of the Complaint and, 21 you know, as we know, there's no -- there's no 22 requirement for truth in a Complaint, but I would 2.3 review the Complaint and see if, on its face, there 24 appeared to be any criminal -- significant criminal 25 allegations.

1	I don't know what the protocol is
2	in Tennessee to activate TBI and get a TBI
3	investigation. So that's completely outside of my
4	knowledge, world, and expertise in that.
5	Q. Do you know if D.A. Finney ever
6	requested that the TBI open an investigation?
7	A. I don't know.
8	Q. What occasioned you to do an
9	interview with Chief Karl Turner in December of
10	2022?
11	A. Interesting way you asked that
12	question, what occasioned me.
13	Are you asking why I did the
14	interview or
15	Q. Yes.
16	A. Because, you know, he's the CEO of
17	the organization. So if you're doing an assessment,
18	you know, you want to you want to involve the
19	chief of police. It's his department, even
20	though and ask him, you know, for some
21	clarification on certain areas and to explain where
22	my concerns were.
23	Q. Did anything happen in
24	December 2022 that prompted you to request this
25	meeting with Chief Turner?

1	A. No. I was if you if you kind
2	of see the dates, I was in the city that week
3	interviewing everybody. So that was the that was
4	that the week that I was there doing interviews.
5	And so I kind of met with everybody while I was
6	there across the board.
7	Q. Did you tell Chief Turner that you
8	believed that an internal investigation should have
9	been initiated?
LO	A. I did.
11	Q. And how did he respond?
12	A. He I don't remember. Basically
13	I think he said we had a criminal analysis, and
L4	I actually don't remember whether what his
15	reasoning was, whether it was attorney whether
16	the attorney said no, or I don't know.
L7	Q. But looking at this, the timing
18	here, the criminal investigation.
19	So it looks like here you've noted,
20	right, that following the denial of a criminal
21	investigation, the department should have moved
22	forward with an internal investigation.
23	So at that point, in September, you
24	already know that a criminal investigation is not
25	holding up the internal affairs investigation,

1 right? 2 Α. Correct. And then now it's --3 Q. I don't know that I know at that 4 Α. 5 point, because I'll just say that I don't know when 6 I got these letters. It might have been in response 7 to that meeting, but I don't know when I actually got these letters. 8 Understood. 9 Ο. But regardless, if you're meeting 10 with Chief Turner in December of 2022, he could not 11 12 have believed that the criminal investigation was 13 still the reason for holding up the internal affairs 14 investigation; isn't that right? 15 MR. LAKEY: Objection to form. 16 Α. No, and I don't think he did. don't think I said that. I think -- I don't -- I 17 think he -- because he said that a criminal review 18 19 had occurred and was rejected, based on my 2.0 recollection. So I don't think he -- he didn't make 21 any statements to me that that was why he hadn't 22 moved forward. 2.3 Ο. I see. Maybe I misheard you. So he -- that's not the reason that 24 25 he gave for no internal affairs investigation for

1 being opened, and he did not offer any other 2 explanation to you as to why an internal affairs investigation had not been opened. 3 4 MR. LAKEY: Objection to form. Α. Not that I recall, no. 5 (BY MS. KRAMER) Do you believe that 6 Ο. 7 there are records relating to Sean Williams' criminal conduct that fell within the time period of 8 9 January 2018 to July 2022 that were not provided to 10 you? 11 I don't know. Α. You don't know either way? 12 Ο. 13 Because, like I said, the Α. No. 14 response to me was, "There's other records," but I 15 don't know what they are or whether they should have 16 been in the case files or not in the case files. I don't know. 17 18 Ο. And, again, when you're saying case 19 files here, you're saying the files that were 2.0 provided to you to do your audit, right? 21 Α. Yes, ma'am. 22 And sitting here today, you don't Q. 2.3 have any additional information about these other materials relating to Sean Williams --24 25 MR. LAKEY: Object to the form.

1	Q. (BY MS. KRAMER) that you did not
2	have the opportunity to review?
3	MR. LAKEY: Objection to form.
4	A. I didn't review them. So I don't
5	know.
6	Q. (BY MS. KRAMER) You don't know
7	anything about them beyond what is reflected in your
8	report; is that right?
9	A. That's accurate.
10	Q. Did you have any discussions with
11	anybody else at the City, other than Chief Karl
12	Turner, about these additional documents?
13	A. I may have brought it to the
14	attention of Sunny Sandos just to say, "Hey, this
15	is this is what was said to me during the
16	meeting. Is there anything you know, I just want
17	to let you know."
18	She was my point of contact. So I
19	tried to keep her apprised and, you know, keep her
20	apprised that there was an issue, but that was as
21	much as I know.
22	Q. Do you remember sending an email to
23	her asking about the
24	A. No, because I was there.
25	Q. So you may have had a verbal

1 conversation with her, but you can't remember any 2 details. When I left the office, I sat 3 Α. No. down with her and said, "Okay. This is what we did 4 5 this week. We interviewed a bunch of people. We interviewed this and, by the way, I just met with 6 the chief and he said there's a statement -- this 7 was his statement. Take that for what it's worth. 8 9 But if there's anything you need to get me, please let me know." 10 11 Ο. And how did Sunny react to that? She said, "I don't know what you're 12 Α. 13 talking about, but let me see. Let me -- if there's 14 something that you need to know, I will -- I will 15 get it to you." 16 MS. KRAMER: I'll mark another 17 exhibit, and this will be Exhibit 119. And the Bates is CITY-0066601-1. 18 (Exhibit 119 marked). 19 20 Ο. (BY MS. KRAMER) Do you recognize 21 this document, Mr. Daigle? I don't, actually. It looks like 22 Α. it's an index of some sort. 2.3 MS. KRAMER: Why don't we mark the 24 25 spreadsheet, also referred to as assessment

1	tool, and this will be Exhibit 119.
2	COURT REPORTER: Let's see. The
3	next one will be 120.
4	MS. KRAMER: Thank you. This is
5	Exhibit 120. The Bates is CITY-006643
6	430. Excuse me.
7	(Exhibit 120 marked).
8	Q. (BY MS. KRAMER) Mr. Daigle, does
9	this clarify for you what Exhibit 119 is?
10	A. It makes sense. One of my
11	teammates must have made it for a template, and I
12	don't remember it, so
13	Q. Okay. Can we take a look at
14	Exhibit 20, please?
15	A. Sure.
16	120, you mean?
17	Q. 120. Thank you.
18	And do you recognize this document?
19	A. Yes.
20	Q. What is this?
21	A. So this would be an example or is
22	the is an assessment tool. And so it's a
23	spreadsheet, for lack of a better term. It's an
24	Excel spreadsheet, and across the top are going to
25	be categories. And then each individual row is

1 going to be an independent case. 2 And, you know, as I think I explained to you before, we just kind of -- I sit 3 4 there with the case file and I put in the case number and answer the questions, if I can, along the 5 6 way as a way to -- as a way to assess some of the 7 very important information that's in there. then we -- I think there's a couple more documents 8 that were provided to you, which kind of -- some of 9 the outliers we would actually summarize in a little 10 11 paragraph just to -- just because when you're going 12 through volumes and volumes of documents, you're not 13 going to remember and you have to be able to try and 14 make it easy to go back to get things later. 15 Ο. Is it accurate that Exhibit 119 is 16 a key for the acronyms used on Exhibit 120? 17 Α. Is it accurate that my team is more Yes. 18 squared away than I am? It looks to be that 19 somebody -- I don't know whether we did this or 2.0 somebody else did this. I don't remember seeing this 119. So I don't know if that was made 21 somewhere else, but --22 2.3 I can represent that it was Ο. produced from your case file. 24 25 Α. Okay.

1	Q. But I understand you did not	
2	personally prepare this; someone from your team did.	
3	Sitting here today, is it fair to	
4	say that using this key shown on Exhibit 119 allows	
5	the reader to understand the inputs on Exhibit 20?	
6	MR. LAKEY: Object to form.	
7	A. Yes. That was probably the reason,	
8	because the at the top of the page, they're so	
9	little that you can't I know I can't see them.	
10	So that would be what is at the top of the page per	
11	column.	
12	Q. Certain of these entries are	
13	highlighted on Exhibit 120.	
14	Do you see that?	
15	A. Yes.	
16	Q. Do you know why certain entries are	
17	highlighted?	
18	A. Yes, because one of the last things	
19	that we did with these tools was to go back and	
20	identify which ones had arrests made for the	
21	evaluation and the report. And so it appears that	
22	the ones that are highlighted are because an actual	
23	arrest was made in the case .	
24	Q. You testified earlier that the term	
25	unfounded, as you understood it from your interviews	

1 with JCPD, meant that the crime occurred outside of 2 the jurisdiction. Do you remember that? 3 That was what I had written. 4 Α. was what was on that -- on my notes from my 5 interviews with Captain Peters, I believe. It was 6 7 actually on the notes. Unfounded equals --Outside of jurisdiction; is 8 Q. 9 that correct? That's what was on my notes. 10 Α. Yeah. 11 Ο. And is that -- based on your conversations with JCPD officers and investigators 12 13 or supervisors, you believe that unfounded was the 14 word they used to indicate outside of jurisdiction. 15 Α. Yeah. 16 MR. LAKEY: Objection to form. 17 Α. Yeah. It's pretty -- it's pretty 18 clear I'm wrong, as I look at this, as there's a lot of unfounded in that area. 19 2.0 So why don't we look at one of Ο. 21 If you go to the top, this is Case No. W18000532. If we look all the way to the right, 22 2.3 the case outcome -- or sorry. Let's go to the notes first. 24 25 Are you able to follow me on that?

1 Α. I just want to clarify. I'm 2 listening to you. Go ahead. I'll be with you. The notes say, "No follow-up. 3 Q. 4 Unable to locate victim. Suspect interview? Victim 5 Suspect 16." And then the case outcome it's noted, "Closed. Unfounded???" 6 7 Looking at this, do you have any recollection of the assessment of this case? 8 9 Α. What do you mean by that? 10 Ο. Like do you remember looking at 11 this, seeing these like multiple --12 I don't remember. I'd have to --Α. 13 the purpose of this assessment is not because I'm 14 going to memorize the case, but I would go back and 15 pull the case. 16 But basically what it's telling me 17 is that we don't know why it's closed unfounded, 18 because that would be the kind of question mark, 19 question mark, which is closed unfounded, and why? 2.0 We don't -- there's not enough information in the 21 file to explain to us why it's closed unfounded, 22 especially if I can just take -- just taking there, 2.3 I quess one of the reasons why I would have added 24 closed unfounded there is I have a 12-year-old 25 victim and a 16-year-old suspect, and that attracts

1 my attention just for the fact that it's a 2 12-year-old victim. So, again, this is -- this is kind 3 of a great example of what I had to deal with. 4 That's all the information that we have. That's the 5 full case file, and there's just not enough 6 information there to come to a conclusion. 7 And if you look at -- it's right 8 Q. 9 above the first bar of highlighting, but it's Case W18007303. 10 11 Are you following me there? 12 Α. I am, yes. 13 Okay. And this is another Ο. 14 unfounded, correct? 15 Α. Yes, ma'am. 16 Q. On this one the notes say, "Unable 17 to locate, " and then the case outcome says, "Unfounded????" 18 19 Do you see that? 20 Α. Yes. "Suspect interview, unable to locate." 21 22 Q. And so is this another instance where you could not determine what basis JCPD had 2.3 for having an unfounded disposition of this case? 24 25 Α. Yes.

1	Q. Looking at Exhibit 20, and I'll	
2	call this the assessment tool, is this the same tool	
3	that you applied across the entire time period that	
4	you conducted your audit?	
5	A. Yes, I believe so. I don't know	
6	what category of I assume this is rape under 11A.	
7	So I just don't know which pretty much they	
8	should all be pretty consistent. There might be a	
9	few there might be a category or two for the rape	
10	one versus the you know, like fondling or	
11	something, that would require the same steps. There	
12	would be less steps.	
13	Q. So in other words, this reflects	
14	the methodology you used, correct?	
15	A. Yes.	
16	Q. There may be some minor alterations	
17	based on the nature of the crime	
18	A. Yes.	
19	Q but it's the same methodology.	
20	A. Yes.	
21	Q. Does looking at this document	
22	refresh any memories about conversations you had	
23	with JCPD relating to the unfounded status for	
24	closing a case?	
25	MR. LAKEY: Objection to form.	

1 Α. No. Actually, as I sit here right 2 now, I have no idea what that means, right, because I can't remember. 3 4 So I was looking on what you provided before to see if there was a definition of 5 unfounded, but I don't -- I do not remember it as I 6 sit here. 7 I'm going to mark 8 MS. KRAMER: another exhibit. This will be Exhibit 121. 9 COURT REPORTER: Yes. 10 11 (Exhibit 121 marked). MS. KRAMER: And the Bates is 12 13 CITY-0066434. 14 Ο. (BY MS. KRAMER) Looking on the left 15 side column of Exhibit 121, Mr. Daigle, I'll draw 16 your attention down to, it looks like, the eighth number from the bottom. 17 This is -- it's November 7th, 2019, 18 and the case number is W19013728. 19 2.0 Α. I see that. And the fact that this is included 21 Ο. here, you did -- let me ask it this way. 22 If this case is included on your 2.3 spreadsheet, you must have gotten something from 24 25 JCPD for this case; is that right?

1	A. Yeah. Usually a one or two-page	
2	incident report, computer-generated incident report.	
3	Q. And when you say usually a one or	
4	two-page incident report, is that because usually	
5	that's all that existed for a case file?	
6	A. Yes.	
7	Q. And it looks like this case, in the	
8	case outcome there's a note that says, "Active,"	
9	with five question marks.	
10	Do you see that?	
11	A. Yes.	
12	Q. Why would you have entered,	
13	"Active???"	
14	A. I like question marks.	
15	Q. Does that mean	
16	A. The question was it appeared to be	
17	still active, even though it was a 2019 I'm	
18	sorry. Yeah, a '19 case. There didn't appear to be	
19	a closing on the case. It was just still in limbo.	
20	Q. And that means, when you're doing	
21	this analysis, the case is in limbo in 2022?	
22	A. 2022 and into 2023.	
23	Q. Did you make any attempt to follow	
24	up with JCPD on the status of this case as you	
25	recall?	

1 Α. No. 2 Ο. Was it unusual for you to find a 3 case that was still open, or at least potentially 4 active, dating back to 2019? 5 Well, it was unusual. The only Α. thing I will tell you is that because there's --6 7 sometimes in sexual assault-related cases, they do stay open for a long period of time waiting for a 8 9 CODIS hit or a sex assault kit to be processed by 10 the forensic laboratory. That sometimes, depending 11 on backlog, can take a while. Sometimes cases are 12 open for longer because of that. But it is a long 13 time. It's a couple of years. 14 In the notes, again, for this same Q. 15 case, it says, "Suspect interview? Investigation 16 dropped." 17 Was it clear to you whether this --18 whether any active investigation was happening on 19 this case? It was not clear, and it didn't 2.0 Α. 21 look like the suspect was ever interviewed, and it 22 didn't look like anybody had been doing anything on 2.3 the case. At least there was no -- there was no -there was no reports or anything that showed -- no 24 25 supplemental reports that showed continuous

1 activity. 2 In conducting the audit, do you --3 did you have direct access to JCPD's case management system? 4 5 Initially I did. Their system was Α. so convoluted that the only way that I -- because I 6 7 don't really like people drawing my data sets. want to draw my own data sets. I want my team to go 8 9 there and draw the data sets. This way we -- it 10 can't be manipulated in any way. And we started to 11 do that, but we were having challenges because the 12 only way we could access the JCPD's administrator 13 was do it through a VPN tunnel with a computer in 14 their network. And it just became very, very 15 taxing. It became a waste of resources. So we had 16 to subsequently request documents from them. So in other words, you could not 17 Ο. 18 have just gone into JCPD's computer system and 19 pulled up this case and seen if there was any 2.0 activity in the case. That was not something you were able to do. 21 Not once we got away from the VPN 22 Α. 2.3 access. And were you provided any -- I 24 Ο. 25 don't know what the -- if there's a correct term for

1 this, but I'll call it an audit trail. It's a way 2 to see whether a case file has been accessed through 3 the case record system. So, for example, you could see if 4 some -- if an officer has gone in and updated notes, 5 these audit trails would show entries into the case 6 7 system. Have you seen anything like that in 8 connection with your work on this case? 9 10 Α. 11 Ο. Just in your experience generally, 12 are you aware of something called an audit trail 13 that allows for reviewing what activity has been 14 made on an electronic case file? 15 Α. Yes. 16 Ο. In what context would you be 17 looking at one of these audit trails? 18 MR. LAKEY: Objection to form. 19 Α. I use the audit trails a lot in 2.0 doing misconduct investigations. Meaning, you know, 21 I can go in there and see who has accessed it, who 22 has used it. We use audit trails a lot on body-worn 2.3 cameras to see who has gone in and viewed it and who has looked at it. And so it really would be to 24 25 verify whether someone has done what they're

1	supposed to do, and it's an audit trail. So it	
2	gives you the ability to audit.	
3	Q. (BY MS. KRAMER) Would you expect	
4	that an internal investigation by JCPD relating to	
5	Sean Williams would include a review of the audit	
6	trails for the relevant members of the police	
7	department?	
8	MR. LAKEY: Objection to form.	
9	A. I would I would expect that if	
10	the system has the ability to articulate who had	
11	accessed specific case files, and we were doing an	
12	investigation specific to the allegations made	
13	involving Sean Williams, that that would have been	
14	something that you would look at.	
15	MS. KRAMER: I'll mark another	
16	exhibit.	
17	COURT REPORTER: This will be 122.	
18	MS. KRAMER: This is Exhibit 122,	
19	and it's Bates No. CITY-0066593-1.	
20	(Exhibit 122 marked).	
21	Q. (BY MS. KRAMER) Mr. Daigle, do you	
22	recognize this document?	
23	A. Yes.	
24	Q. What is it?	
25	A. So this is how this is basically	

1 a printout of all case files under a category. 2 as you see, this is 11A, forcible rape. This is a printout of all the case files that are in the 3 4 system under UCR Code 11A for the purpose of us to, you know, have it -- now we -- now I have something 5 6 to sit here and make sure I'm getting every single 7 case file based on the cases that are listed in this 8 document. 9 Where was this printed out from? Ο. 10 The department printed it out. 11 don't -- I don't know where it was printed. 12 assume it's part of their record management system 13 to provide a summary report, because what we're 14 looking for is just a few basic information, which 15 would be the case number in the left margin, you 16 know, the date, a little -- the unfounded, the 17 disposition, and the investigators. 18 And so before I started what you 19 see on 120 and 121, the first thing that we would 2.0 get would be 122 and then we would ask -- we would 21 go in and get case files for every one of these cases to do our assessment on 120 and 121. 22 2.3 Okay. So this is a City-provided Ο. document? 24

Yes, ma'am .

25

Α.

1 MS. KRAMER: The next exhibit, Exhibit 122 --2 COURT REPORTER: 123. 3 4 MS. KRAMER: 123. Thank you. The Bates is CITY-0066433-1. 5 (Exhibit 123 marked). 6 7 Q. (BY MS. KRAMER) Do you recognize this document, Mr. Daigle? 8 9 Α. Yes. And what is this document? 10 Ο. 11 Α. This is a summary document that we 12 would put together as going through different cases, 13 you know, that were going to be highlighted. So you 14 would use the assessment tool and you would review 15 the case. 16 Once we got to the end of the case, 17 if the case had some concerns or something that we 18 wanted to highlight in there, I then make a little 19 summary sheet of the case. We're basically 2.0 continuing to build our way up to drafting the report and trying to keep things organized in the 21 22 audit and assessment. 2.3 And you prepared this document, Ο. correct? 24 25 Α. I was involved in it. Multiple

1 team members would go through it, and so we would 2 add to it and evaluate it, yes. And that's under your supervision, 3 Q. 4 correct? 5 Α. Yes. 6 Ο. And did you prepare report case 7 notes for each of the types of crimes and each of the years that are included in your audit? 8 I don't think we did it for the 9 Α. lower -- we definitely did it for all the rape 10 11 cases, because those were very significant. 12 remember. I don't think we did very much on the 13 lower-level cases, like the -- there was no incest 14 cases, but there was a handful of forcible 15 fondlings. But basically we're -- what we're doing 16 here in the summaries is we're identifying things 17 that are causing us some concern with the way they 18 were handled. So it's just a way to kind of continue to boil down information. 19 2.0 Ο. We're going to return to a 21 previously marked exhibit, which is Exhibit 115. 22 That's right here for you. 2.3 Just on the first page of this exhibit, Mr. Daigle, this reflects your meetings 24 25 with Town Manager, and that's Cathy Ball, right?

1 Α. Yes, ma'am. 2 Ο. Do you remember how many meetings 3 you had with Cathy Ball? 4 Α. A couple. Three or four. This one was significant. It was towards the end of the 5 audit. And the reason why I know that is it's an 6 7 old lawyer's trick. You never write on the first page of the notebook so that when you leave the 8 9 notebook out, people can't read your notes, right? So when it was time to sit down at 10 11 the end, I put my thoughts on the first page in 12 order to give Cathy Ball an update. This was at her 13 request, because of -- they were going into -- they 14 were going into budget time and they needed -- they 15 needed to make some budget concessions to deal with 16 some of the things that I would be finding. 17 I kind of knew what my findings 18 were at this point, but I hadn't finalized my report 19 yet. And so this was -- these were -- these, what 2.0 you're seeing here, is kind of a just a summary of 21 my conclusions that I was -- that I shared with her 22 for consideration when she was thinking about what 2.3 she was going to do for the budget year. Do you recall the date? 24 Ο. 25 Α. I don't know. I assume it's --

1 just because budgets are usually March, it's 2 probably early 2023. And you'll notice here that this is 3 Q. a photocopy, obviously, and the bottom of the page 4 is folded. 5 Do you have these documents still 6 7 in regular hard copy? Yeah, somewhere. 8 Α. Yes. 9 Ο. Do you remember a Teams meeting with Cathy Ball on January 9th, 2023? 10 11 Α. We would all -- we would have Teams meetings, and that would be -- so if you're saying 12 13 that's the date, it doesn't seem unusual. 14 Let's just -- without reference to Q. 15 this document, do you remember, sitting here today, 16 a Teams meeting with Cathy Ball in January of 2023? 17 Α. I don't know, without looking at 18 Unfortunately, in the world we live in, I have a lot of those. So it's not -- it doesn't seem 19 20 unusual to me, but I don't know. I'm not going to 21 say yes unless I look at my calendar. Okay. And you can't tell from 22 Q. 2.3 these notes whether these notes reflect that phone call, right? 24 25 Α. I cannot.

Q. Okay. Generally, when you would	
speak with Cathy Ball, was somebody else on the	
phone?	
A. Usually when we would have a Teams	
meeting, they would be in their conference room, and	
there would be a handful of people in the room.	
Sometimes more than others.	
In this meeting, there was a	
there was more people in the room than in other	
meetings. Sometimes it was just her and Sunny and	
the paralegal. And we probably had, you know, two	
or three Teams meetings as status updates.	
But when we went over this, I do	
remember that the then interim chief and the new	
captain of investigations was also in the room. I'm	
not sure who else was in the room.	
Q. Do you know if the Teams meetings	
were recorded?	
A. I didn't record them. So I don't	
know.	
Q. We're going to look at this is a	
previously marked exhibit.	
Okay. This is previously marked as	
Exhibit 57. The Bates number is CITY-0139814.	
So if you turn to the a few	

1	pages in, it's the page Bates ending 0139819.	
2	Do you see that page?	
3	A. Yes, ma'am.	
4	Q. And I can represent to you that	
5		
	these documents were produced by the City, and	
6	specifically from the City Manager, Cathy Ball.	
7	Do you see your do you see the	
8	date at the top of the page?	
9	A. Yes, ma'am.	
10	Q. What's the date there?	
11	A. January 19th, 2023.	
12	Q. And you see below your name,	
13	Daigle, right?	
14	A. Yes.	
15	Q. And below that she notes,	
16	"Documentation '18, '19, '20. Documents are	
17	horrible. Fragmented. Staffing?"	
18	Does it does this look to	
19	correspond with a phone call that you had with Cathy	
20	Ball on January 19th, 2023?	
21	MR. LAKEY: Objection to form.	
22	A. The topics seem reasonable. And if	
23	she wrote them down, I'm not going to	
24	Q. And then so it looks like she has	
25	some general notes. "Late October/November,	

1 interview, forensic." And then below that are the 2 words, "Worst ever seen. Need rest of case file." 3 Does that make you recall any 4 content of the conversation that you had with Cathy Ball on January 19th, 2023? 5 MR. LAKEY: Object to form. 6 7 Α. Well, I mean, I think it's pretty consistent to what we've talked about all day, which 8 9 is, you know, documents are horrible and fragmented and we're missing documents. 10 11 (BY MS. KRAMER) And so you believe Ο. you conveyed these words to Cathy Ball, and that's 12 13 what's reflected in her notes here? 14 MR. LAKEY: Object to form. 15 Α. Yeah, I definitely would -- would 16 agree with the fact that I said it's the worst I've 17 ever seen. 18 Ο. (BY MS. KRAMER) And if you look at the -- a little further down, I think she's got this 19 20 actually in quotes. It says, "This is terrible." 21 Do you think she's quoting you there? 22 2.3 MR. LAKEY: Object to form. I don't know. It's possible. 24 Α. (BY MS. KRAMER) There's also a note 25 Ο.

1 right above what I -- what I just read. It says, "John victim interviews." 2 Do you have any idea what that's 3 4 referring to? 5 Α. I don't. I mean, I can -- I don't. It looks like it says above, "Most 6 Ο. 7 concerning cases, " and then it says, "John victim interviews." 8 9 That doesn't ring any bells for you on what you might have been discussing during this 10 11 phone call? MR. LAKEY: Object to form. 12 13 Α. Only that John was the sergeant 14 over records, and I'm still looking for victim 15 interviews. 16 Ο. (BY MS. KRAMER) Is it possible that 17 John there is referring to a john, as in the context of potential prostitution? 18 19 MR. LAKEY: Object to form. 20 Α. Doesn't really fit with victim interviews. So I don't -- I wouldn't use that 21 terminology. So I don't know. 22 2.3 (BY MS. KRAMER) If we turn to the Ο. next page it says, "Five or six years," and I think 24 25 it's, "Paperless files."

1	Does that look right to you?	
2	MR. LAKEY: Object to form.	
3	A. It looks like it says that, yes.	
4	Q. (BY MS. KRAMER) Did you discuss	
5	with Cathy Ball taking the JCPD department to a	
6	to a paperless file system?	
7	A. No. I think it's actually the	
8	opposite. I think that they were some form of a	
9	paperless file system, just don't know where the	
10	paper went.	
11	Q. I see. Okay.	
12	Because about two lines down it	
13	says, "Shred files."	
14	So do you think this is a	
15	conversation that you had with Cathy Ball reflecting	
16	the issue of officers shredding paper documents?	
17	A. Yeah.	
18	MR. LAKEY: Object to form.	
19	A. You can go paperless, but you've	
20	got to make sure everything is in it before you	
21	that would probably be	
22	Q. (BY MS. KRAMER) If you turn to the	
23	next page, at the bottom the note says it says	
24	next to next to the No. 3 it says, "Interact with	
25	D.A. D.A. told us to close the case, not want to	

1 cooperate. Affidavit standard. Just called D.A." 2 Is this in reference to what you 3 testified to earlier in terms of having -- the 4 importance of having documentation on whether a victim does not want to cooperate in a prosecution 5 6 and having that go to the D.A.? 7 MR. LAKEY: Object to form. I think it's what I talked about 8 Α. 9 before, but it was more the fact that the D.A. has 10 absolute immunity. So it's up to the investigators 11 to document. It was more into that realm, which is 12 you just can't -- you've got to have documentation 13 so that if it comes back, you know what the outcome 14 is. 15 Q. (BY MS. KRAMER) And so you conveyed 16 to Cathy Ball that the D.A. has absolute immunity; 17 is that correct? 18 MR. LAKEY: Object to form. 19 Α. Well, I mean, all D.A.'s have 20 absolute immunity. So the key is that it's very 21 difficult when -- in municipal operations it's usually the officer that gets sued, and we have to 22 2.3 make sure there's some protections in play. (BY MS. KRAMER) Is it correct that 24 Ο. 25 you told Cathy Ball that the District Attorney has

1	absolute immunity, yes or no?	
2	MR. LAKEY: Object to the form.	
3	A. I probably did. I don't recall.	
4	But if she wrote it down, I probably did.	
5	MS. KRAMER: Okay. Let's take a	
6	short break. Let's resume at 5:00.	
7	Can we go off the record?	
8	COURT REPORTER: Okay. Yeah, we're	
9	going to go off the record.	
10	MS. KRAMER: Yes, please.	
11	VIDEOGRAPHER: Okay. We are now	
12	off the record. The time is 4:53 p.m.	
13	Eastern time.	
14	(Off the record at 4:53 p.m.)	
15	(On the record at 5:02 p.m.)	
16	VIDEOGRAPHER: We are now back on	
17	the record. The time is 5:02 p.m. Eastern	
18	time.	
19	BY MS. KRAMER:	
20	Q. Mr. Daigle, if I can direct your	
21	attention back to Exhibit 57, these are Cathy Ball's	
22	notes of a conversation that she had with you that	
23	we were reviewing earlier.	
24	Did I take your copy?	
25	A. I don't	

1 Q. Oh, there it is. 2 And if I could direct you to the page with Bates ending 839. And these notes are 3 4 dated April 25th, 2023. 5 Do you have any recollection of a call with Cathy Ball on April 25th, 2023? 6 7 MR. LAKEY: Ms. Kramer, I'm just going to say I think it may be 4/24. 8 9 MS. KRAMER: 4/24. (BY MS. KRAMER) Okay. 10 Ο. 11 about -- on or about April 24th, 2023, do you have a -- do you recall having a conversation with Cathy 12 13 Ball on that date? 14 Α. I don't recall, but there's no 15 reason to doubt that I did. 16 0. Okay. And I know these are not 17 your notes, but at the bottom, near the bottom, 18 there's a note here that says, "All departments share information, quote Ted Bundy." 19 2.0 Do you have any recollection of making a reference to Ted Bundy with Cathy Ball? 21 22 MR. LAKEY: Objection to form. 2.3 Α. Yeah. Actually, I probably was -one of the things that -- I think the conversation 24 25 here was RMS systems, and the way the RMS systems

1 are set up nowadays is so that all departments can 2 see each other's. And, you know, it's well known that obviously in my past history as serial -- doing 3 4 serial investigations is that Ted Bundy has always 5 said that all you have to do to beat the system is kidnap in one jurisdiction, kill in another, and 6 7 dump in a third. And, unfortunately, departments 8 9 weren't talking to each other well enough and, therefore, a lot of homicides went unsuccessfully 10 11 completed. So what I was telling them was 12 13 that -- the point of it wasn't supposed to be about 14 Ted Bundy, but the point of it was that nowadays RMS 15 systems are built so that departments are online 16 with each other. So you can see information, and 17 you can search each other's information for 18 investigative purposes and --19 COURT REPORTER: Excuse me. 2.0 Can you say -- what kind of system 21 was that? THE WITNESS: I'm sorry, sir. 22 RMS. 2.3 Roger, Mike, Sam. COURT REPORTER: RMS. 24 Okav. Thank 25 you.

1	Q. (BY MS. KRAMER) And does RMS stand
2	for records management system?
3	A. It does, yes.
4	Q. And beneath that reference to Ted
5	Bundy, the notes show, "Policies," underlined, and
6	then in a circle, "D.A. not innocent."
7	Did you say anything to Cathy Ball
8	that you can recall about the D.A. not being
9	innocent?
10	A. My recollection was that, you know,
11	there's we don't know we don't when our
12	when JCPD investigators are talking to the D.A.'s
13	Office over the '18, '19, '20, we don't know what
14	they're being told also from the D.A. side, right?
15	Like this is not this may not
16	just be a JCPD issue. It may actually be a D.A.
17	issue, too. We don't know what's going on. The
18	only unfortunate part is that there's no
19	documentation. So we don't know what guidance and
20	direction the D.A.'s office is giving to JCPD
21	investigators. They might just be saying, "Hey,
22	close the case," but that's still the obligation
23	is still on JCPD investigators to document why.
24	Q. Okay. Let's put this aside for the
25	moment, and we're going to mark another exhibit.

1	A. You are going back on the plane	
2	lighter.	
3	Q. You have a shredder here, right?	
4	A. We'll make it go away.	
5	MS. KRAMER: I'll mark this	
6	Exhibit 124. The Bates number is	
7	CITY-0070596.	
8	(Exhibit 124 marked).	
9	MR. LAKEY: Ms. Kramer, has he	
10	signed	
11	MS. KRAMER: We have it here today	
12	for his signature, yes.	
13	MR. LAKEY: So you all will return	
14	it signed.	
15	MS. KRAMER: Absolutely.	
16	THE WITNESS: I did have to sign	
17	one in the other matter, too.	
18	MR. LAKEY: Different orders in the	
19	cases.	
20	Q. (BY MS. KRAMER) Do you know what	
21	this document is, Mr. Daigle?	
22	A. It looks like a training ledger.	
23	Q. Does this appear to you to be what	
24	you described earlier in your testimony where you	
25	could see the topic of a training?	

1	A. I don't know if I got it in this	
2	way, but it seemed like so basically what it's	
3	showing is here's the course, the officer that took	
4	it, the rank, the date they started and ended it,	
5	the date they completed it, the grade. So it's a	
6	training ledger for purposes of identifying what	
7	training courses officers took.	
8	Q. And was this provided by the City	
9	to you for purposes of your audit?	
10	MR. LAKEY: Objection to form.	
11	A. I believe so.	
12	Q. (BY MS. KRAMER) Did you evaluate	
13	this document in connection with your audit of the	
14	Johnson City Police Department?	
15	A. No.	
16	Q. Have you seen documents like these,	
17	something that you called a training ledger, in your	
18	experience?	
19	A. Yes.	
20	Q. If you look at the all the way	
21	to the right, there's a grade and a percentage.	
22	Do you see that?	
23	A. Yes.	
24	Q. I'm noticing that almost every	
25	person has a 90 out of 100.	

1		Do you see that?
2	Α.	Yes.
3	Q.	Does that seem odd to you?
4	Α.	It might be an easy course, but not
5	easy enough to get 100.	
6		MS. KRAMER: Okay. We're going to
7	mark anot	her exhibit. This will be
8	Exhibit 1	25.
9		All right. We'll hold off on
10	marking t	he exhibit.
11	Q.	(BY MS. KRAMER) So, Mr. Daigle, you
12	testified to an on-site visit to JCPD; is that	
13	correct?	
14	Α.	Yes, ma'am.
15	Q.	Did you do that more than once?
16	Α.	Yes. I was there for multiple days
17	in December.	
18		Like more than one going there
19	or	
20	Q.	I see. Good fair clarification.
21		How many visits did you or I
22	guess tell me wha	t you took a trip to do an
23	on-site visit to	the police department in Johnson
24	City, correct?	
25	;	MR. LAKEY: Object to form.

1	A. Yes.	
2	Q. (BY MS. KRAMER) And you were there	
3	for multiple days; is that right?	
4	A. Yes.	
5	Q. And over that time period, you made	
6	more than one visit to the department; is that	
7	right?	
8	A. Yes.	
9	Q. Approximately how many days were	
10	you there?	
11	A. Four.	
12	Q. And approximately how many visits	
13	did you make to the department at that time?	
14	MR. LAKEY: Object to form.	
15	A. We actually we actually took	
16	over a room there, and we were working in and out of	
17	there all day for the time we were there. So we had	
18	a we took over the training room and made it our	
19	office. And so we were in and out of the building	
20	all day long.	
21	Q. (BY MS. KRAMER) And is it your	
22	understanding that JCPD knew in advance that you	
23	were coming to do your audit, do a portion of your	
24	audit during this visit?	
25	Is that fair?	

1 MR. LAKEY: Object to form. 2 Α. I would assume they did, yeah. 3 mean, I was having conversations. We weren't trying 4 to surprise them. We were trying to set up interviews and get additional information. 5 (BY MS. KRAMER) You weren't trying 6 Ο. 7 to surprise them. What do you mean by that? 8 9 Α. I mean, it wasn't -- sometimes we 10 do inspections. When you do an inspection, you just 11 show up, and you don't tell anybody you're coming. But in this case, we were trying to make good use of 12 13 our time there to meet with different members of the 14 department and to get the documents that we need. 15 So they did know. I believe they knew we were 16 coming. 17 Q. When you're doing an investigation 18 of a police department and you just show up, what's 19 the benefit of just showing up unannounced? 2.0 MR. LAKEY: Object to form. 21 Α. In certain situations, it's to do an audit without preparation, you know. You just --22 2.3 in organizational studies or in different operational -- when we show up, you kind of get it 24 25 in raw form. You see what's going on every day, but

1 that's not what we were doing here. 2 Ο. (BY MS. KRAMER) Would it concern 3 you to have a JCPD captain advise investigators to 4 update their case files in anticipation of your arrival? 5 MR. LAKEY: Objection. 6 7 Α. What was the question? Would it surprise me? 8 9 MS. KRAMER: Jeff, can you read back my question, please? 10 11 COURT REPORTER: Okay. Hang on a 12 second. 13 Let's see. Okay. 14 Would it concern you to have a JCPD 15 captain advise investigators to update their 16 case files in anticipation of your arrival? 17 Α. It would concern me, yes. 18 Q. (BY MS. KRAMER) Why would it 19 concern you? Well, it just -- I'm an 2.0 Α. 21 investigator at heart, and it's kind of like when 22 you -- when you prepare for the inspection, you 2.3 know -- I quess what I take from that is you weren't doing that already if you had to -- if you had to 24 25 tell your people to get their stuff in order before

1 I got there versus, "Hey, just to let you know." 2 You know, I have no problem if he 3 said, "Hey, just to let you know, Daigle's team will 4 be here next week. They may want to talk to you." 5 That's okay. That's fine. But, you know, "Get your stuff together before Daigle gets there, " that's a 6 7 whole different ball game. That's telling me that the captain didn't believe his people had his stuff 8 9 together, so --What if the captain said, "Eric 10 Ο. 11 Daigle will be looking, and I don't want him to find that there are cases that nothing has been done in a 12 13 while"? 14 MR. LAKEY: Object to form. 15 Α. I don't think --16 COURT REPORTER: Jon, can you make 17 your objections a little bit louder? I'm 18 still not sure exactly when you object. 19 MS. KRAMER: I hear you, Jeff. 2.0 MR. LAKEY: Object to form. (BY MS. KRAMER) I will -- I will 21 Q. 22 restate. 2.3 Would it concern you for a captain to say to investigators, "Update cases that have 24 25 sexual assaults or rapes, because I don't want

1	Daigle to find out that nothing has been done in
2	those cases for a while"?
3	MR. LAKEY: Object to form.
4	A. That would concern me, yes.
5	Q. (BY MS. KRAMER) For the same
6	reasons you described before?
7	A. Yeah. I mean, your house isn't in
8	order.
9	Q. Now, I want to look back at some of
10	these summary tables that you created in your
11	report, Mr. Daigle.
12	Let me direct you to the page. So
13	this let's start with Page 9.
14	I'm sorry. Go back two pages,
15	please. Let's go to Page 7, and at the top there is
16	a data summary chart.
17	Do you see that?
18	A. Yes.
19	Q. And that represents the total
20	number of cases, the 326 that we've been talking
21	about today, right?
22	A. Yes, ma'am.
23	Q. And then if you move forward to
24	Page 9, you have Image 3.
25	A. I see that, yes.

And Image 3 reflects for different 1 Ο. 2 years how the number of rape cases were closed. Let me restate that. 3 4 Image 3 reflects rape cases and shows by year what the reason for closure was; is 5 6 that correct? 7 MR. LAKEY: Objection to form. 8 Α. Yes. 9 (BY MS. KRAMER) And did you prepare Ο. these tables? 10 11 Α. Yes. And so just to bring it full circle for you, this should be -- we had previously 12 13 given Exhibit 122, and basically this takes 14 Exhibit 122 and makes it into a chart for purposes 15 of better analysis, just to make it very clear. 16 Instead of having to go through and 17 count all these up, this -- you know, wherever this 18 fit, this would be -- you know, you would take the years, and so '18, and then you would come over to 19 2.0 the '18 rape cases, and that's how you would break 21 down those cases into -- top left, the first one would show -- top left of the side. 22 2.3 Q. Understood. And looking down and looking at 24 25 Image No. 4, Image No. 5, Image No. 6, are these,

1	likewise, summary tables that you prepared using
2	information from Johnson City?
3	A. Yes. And these would be instead
4	of the first five are the individual years with
5	rape cases, but then the rest of them are summarized
6	in totality.
7	Q. And turning to Page 10, I'm looking
8	at Image No. 7, this is, again, summary tables
9	prepared by you based on data provided by Johnson
10	City; is that correct?
11	A. Yes.
12	Q. Sitting here today, you have no
13	reason to believe that those summary charts are
14	inaccurate in any way, do you?
15	A. No.
16	Q. If we go to Page 28, there's I'm
17	sorry. Page 26 of your report, there's Image No. 8.
18	A. Yes.
19	Q. And you prepared this chart,
20	correct?
21	A. Yes.
22	Q. And this is based on the data
23	provided to you by Johnson City, correct?
24	A. Yes.
25	Q. And is the same true for Image No.

1	9?
2	A. Yes.
3	Q. Turning the page, on Page 27 we
4	have Image 10.
5	Is this table prepared by you based
6	on data provided by Johnson City?
7	A. Yes.
8	Q. Is the table in Image 11 prepared
9	by you based on the data provided to you by Johnson
10	City?
11	A. Yes.
12	And just to clarify, the
13	percentages in the last row are our math. So if
14	they're wrong, it's on us.
15	Q. Moving to Page 28, the table in
16	Image 12, is this a table prepared by you based on
17	data provided by Johnson City?
18	
19	
20	report, Finding No. 4 states, "JCPD's process of
21	closing investigations is flawed and inaccurate."
22	Do you see that?
23	A. Yes.
24	Q. Do you stand by that finding?
25	A. Yes.

1	Q. If we move ahead to Page 31,
2	Finding No. 5, "JCPD needs to ensure that all
3	complaints of misconduct against the department,
4	including anonymous complaints, are timely
5	investigated."
6	Do you stand by that finding?
7	A. Yes, ma'am.
8	Q. Did you find instances where
9	complaints of misconduct against the department were
10	not timely investigated?
11	A. Yeah, just what we've talked about
12	here today regarding the complaint made by Ms. Dahl.
13	Q. The only complaint of misconduct
14	against the department that you are aware of is the
15	complaint made by Ms. Dahl; is that correct?
16	A. That is correct.
17	Q. And in this finding you say,
18	"including anonymous complaints."
19	Do you know why you would have
20	included anonymous complaints, if you're referring
21	to a complaint that took the form of a federal civil
22	lawsuit?
23	A. Well, I mean, I think that's a
24	general statement that says that departments should
25	take all complaints. The practice across the

1 country is that we take complaints, whether they're 2 made by someone, whether they're anonymous or third-party. I don't know. That right there, I'm 3 4 not dealing with specifically the Dahl case or any 5 complaint, because we know -- we know who those 6 people are. But just as a general practice, all complaints should be taken, whether you know who the 7 complainant is or not. 8 And that's true whether the 9 Ο. complaint is -- or that remains true if a complaint 10 11 is coming from a citizen; is that correct? 12 Α. True. 13 Moving to Page 33, Finding No. 6 Ο. 14 is, "Supervision was insufficient to ensure full, 15 fair, and complete investigations." 16 Do you stand by that finding? 17 Α. Yes. 18 Q. Looking at Recommendation No. 6, it 19 says, "PD" -- I think that's police department, right? 2.0 21 Α. Yes. 22 "Police department supervisors Q. 2.3 shall conduct a periodic review of closed cases and cases where victims declined to participate in the 24 25 investigation identifying any systemic problems.

1	Periodic reviews shall include a review of case
2	files, recorded interviews, and victim and advocate
3	feedback for investigate comprehensiveness and
4	indications of bias."
5	Do you stand by that
6	recommendation?
7	A. Yes.
8	Q. Do you know if JCPD has accepted
9	this recommendation?
10	A. I don't.
11	Q. Let me phrase that differently.
12	Do you know if JCPD has implemented
13	this recommendation?
14	A. I don't.
15	Q. Finding No. 7 says, "Department
16	policies and procedures do not meet industry
17	standards and legal requirements to investigate
18	sexual assault investigations."
19	Do you stand by that finding?
20	A. Yes.
21	Q. Finding No. 8 on Page 34 says,
22	"Department training is insufficient to effectively
23	conduct unbiased sexual assault and related
24	investigations."
25	Do you stand by that finding?

1	A. Yes.
2	Q. Following the well, let me ask
3	you this.
4	Once you completed your report,
5	what did you do with respect to communicating to the
6	City?
7	A. I sent it to them, and there was
8	there was a handful of errors that they identified,
9	scrivener's errors with spellings and people's names
10	were wrong. We got back those. We made corrections
11	and respond we returned back the report to them,
12	because they were looking to release it.
13	Q. Did anyone at the City express
14	disagreement with your findings?
15	A. Not to my
16	MR. LAKEY: Objection to form.
17	Q. (BY MS. KRAMER) Let me restate
18	that.
19	Did anybody from Johnson City
20	express disagreement with any of the findings in
21	your audit?
22	MR. LAKEY: Objection to form.
23	Q. (BY MS. KRAMER) Sorry. I did it
24	again.
25	Did anybody express to you did

1 anybody express to you -- no. Trying it again. 2 Did anybody from the City express to you disagreements with the findings that you made 3 in your audit of sex-related crimes? 4 5 Α. No. Ο. When was the last time you spoke 6 7 with Cathy Ball? Probably -- probably either right 8 Α. 9 before release of the report or after or while the report was being released. I don't even remember 10 11 speaking with her then, but that would -- I haven't 12 had any contact with anybody since the report was 13 released. 14 Ο. How about D.A. Finney? 15 Α. I haven't spoken to him since our 16 interview in December of 2022. 17 Ο. Have any members of the media 18 reached out to you regarding your audit of sex-related crimes? 19 2.0 Α. They call, but I don't take their calls. 21 22 Q. Are you aware of being contacted specifically for the audit of sex-related crimes you 2.3 did for Johnson City? 24 25 Well, it made national -- it made Α.

1	news all over the place. So I'm I'm we get
2	phone calls all the time and, you know, I don't
3	remember exactly who or when, but people do call.
4	And we have a I have a no comment policy, so
5	MS. KRAMER: Chris, can you tell me
6	what the time is?
7	COURT REPORTER: I'm sorry.
8	MS. KRAMER: Chris, can you give me
9	the time, please?
10	COURT REPORTER: Yeah, we have
11	right about
12	VIDEOGRAPHER: We're at
13	actually, we're at 27 minutes right now.
14	MS. KRAMER: So the total time?
15	VIDEOGRAPHER: 27 plus five
16	hours and 37 minutes is where we're at.
17	So 37 plus 27 is hold on.
18	Sorry. I can't do it on the fly.
19	So basically six hours, five
20	minutes four minutes. Six hours, four
21	minutes; is that right?
22	COURT REPORTER: Yeah, that's what
23	I've got.
24	MS. KRAMER: Okay. Let me take a
25	few minutes to go over my notes and see if

1	there are any additional exhibits that I
2	want to mark. So let's take a
3	VIDEOGRAPHER: Off the record?
4	MS. KRAMER: Thank you.
5	VIDEOGRAPHER: Are we off the
6	record right now?
7	COURT REPORTER: Yes.
8	VIDEOGRAPHER: Okay. We are off
9	the record. The time is 5:31 p.m. Eastern
10	time.
11	(Off the record at 5:31 p.m.)
12	(On the record at 5:42 p.m.)
13	VIDEOGRAPHER: Okay. We are back
14	on the record. The time is 5:42 p.m.
15	Eastern time.
16	BY MS. KRAMER:
17	Q. Mr. Daigle, can I direct you to
18	Page 28 of your report, please?
19	A. Yes, ma'am.
20	Q. And under the table reflected in
21	Image 12, the report states, "During our review, we
22	found significant cases closed as exceptional
23	clearance, specifically prosecution declined and
24	victim refused to cooperate."
25	Could you read the next paragraph

for me, please?

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"We conducted a deeper analysis of exceptional clearances related to the closure of rape cases. In evaluating 2018 to 2022 rape cases, the total number of exceptional clearances was 66. Of the 66 cases, in 17 cases, or 25 percent, the investigator cited the reason for the exceptional clearance as the victim being unwilling to prosecute or move forward with the investigation. cases, or 31 percent, the investigator cited the reason for exceptional clearance as the victim being uncooperative. Most of these involve the investigator not being able to contact the victim or the victim not returning phone calls or messages. In 27 cases or 40 percent, the investigator cited the reason for the exceptional clearance as the prosecution declined based upon a conversation between the investigator and the prosecutor. had email exchanges, however, most were verbal conversations. In one case or one percent, the exceptional clearance was based on the fact that the suspect was deceased."

A. Yes, ma'am.

1	Q. And what information did you obtain
2	from the City in order to calculate these
3	percentages?
4	A. So we've gone through a lot of
5	things to include the documents, 120, 121 and, more
6	importantly, 122, which are the you know, the
7	case conclusions that was identified in Exhibit 122.
8	And that's where that information would come from.
9	Q. Did you review any emails as part
10	of your investigation or sorry.
11	In connection with your audit, did
12	you review any emails from JCPD?
13	A. Emails and just any email? I'll
14	just don't know what category. Emails sent from who
15	to who?
16	Q. Did you have the opportunity to
17	look at any emails, for example, between an
18	investigator and prosecutor?
19	A. If they were contained in the case
20	file.
21	Q. Aside from an email being contained
22	in the case file, did you have an opportunity to
23	review any emails from Johnson City?
24	A. No.
25	Q. You didn't see any emails, for

1 example, between members of the department. 2 MR. LAKEY: Objection to form. 3 Α. Unless they were contained in the 4 disclosure of case files, no. 5 (BY MS. KRAMER) Did you ask to see Q. any emails to or from investigators? 6 7 Α. No, because it's really not part of -- you know, if it -- if it's going to be 8 9 audited, it should be part of the case file. 10 Ο. If you can look back at 11 Exhibit 116, and specifically I'm looking at Bates CITY-0066593-3. And this is the TIBRS Data 12 13 Collection Manual exceptional clearances document 14 that we reviewed earlier. 15 Α. Yes, ma'am. 16 Q. Do you see that? 17 Α. Yes. 18 Q. It says, "An incident is cleared 19 exceptionally when a qualifying element beyond law 2.0 enforcement control prevents a physical arrest. four of the following conditions must be met to 21 22 clear an offense by exceptional means." 2.3 Did I read that correctly? 24 Α. Yes. 25 No. 1 is, "The investigation must Ο.

1 have established the identity of at least one 2 offender. This means the agency knows at least one offender's sex, race, age, ethnicity, and resident 3 4 status." 5 No. 2, "Sufficient probable cause must have been developed to support the arrest, 6 7 charging, and prosecution of the offender." No. 3 is, "The exact present 8 location of the offender must be known so that an 9 arrest could be made." 10 11 And No. 4 is, "There must be a reason outside of law enforcement control preventing 12 13 offender's arrest. The valid reasons and 14 explanations are provided below." 15 Did I read that correctly? 16 Α. Yes. 17 Ο. Did you have any way to determine 18 whether a case closed by exceptional means by the 19 Johnson City Police Department met all four of the 2.0 conditions reflected here in Exhibit 116? 21 Α. No, and that's why I had concerns with the manner and mechanism of them closing these 22 2.3 cases by exceptional clearances. Often a lot of this wasn't met. 24 25 By the way, just for the record,

1 there is -- this is just a snippet taken out of the 2 TIBRS Manual. There is a whole section in the TIBRS Manual about exceptional clearances, which goes into 3 4 way more detail of what this all means and how. Unfortunately, I spent way too much time trying to 5 6 figure it out. 7 But on its face, this is the rule. 8 But the TIBRS Manual actually has additional 9 information as to how to consider different things. 10 But the answer to your question is 11 a lot of times, in our review of the documents, the 12 elements were not in the document that led to a 13 conclusion or a close by an exceptional clearance. 14 The portion of the TIBRS Data Q. 15 Collection Manual that you see in Exhibit 116, this 16 is all that Johnson City provided to you; is that 17 correct? 18 Α. Yeah, but I have Google. 19 Ο. And then so you went and 2.0 independently found the other portions of the TIBRS 21 Data Collection Manual relating to exceptional clearances; is that correct? 22 2.3 Yeah. I mean, as we talked about Α. today, it was a subject of all of my sit-downs with 24 25 people, because I was really trying to understand

1 the nuances which allows the investigators to close 2 it by this means. And is it your understanding 3 Q. that -- let's take, for example, victim refused to 4 5 cooperate. Is your -- is it your understanding 6 7 that if that's the clearance code, that for that to be correctly used to close a case, all four of the 8 conditions identified in Exhibit 116 have to be met? 9 MR. LAKEY: Objection to form. 10 11 Α. Yes, which is what makes it so difficult to understand. 12 13 (BY MS. KRAMER) And when you say Ο. 14 makes it so difficult to understand, what are you 15 referring to? 16 Α. Well, basically what this 17 exceptional clearance is identifying is that it's 18 telling you you have all authority under the law --19 sorry to you guys. I put my piece of paper up 2.0 there. All authority under the law to 21 arrest the individual for the crime, but there is 22 2.3 something that's allowing a clearance of that. as I identified in my report, often that clearance 24 25 was lumped into either prosecution declined or

1 victim uncooperative without the justification to 2 support it. You know, what does that mean? 3 4 It's just, "I had a conversation with the prosecutor 5 and they said drop it. Okay. Well, there's not enough here to support that." And that was -- it is 6 7 very confusing. I'm going to tell you, we spent a lot of time trying to understand how it works. 8 9 And I'll be honest with you, I think you asked me this question before, I don't 10 11 think the Johnson City Police Department understands how it works because of the -- because of the 12 13 inconsistencies that they had in the manner to close 14 it, so --15 Q. But you agree it's their 16 responsibility to understand why they're closing a 17 case, correct? 18 MR. LAKEY: Objection to form. 19 Α. Yes, because they have to submit it 2.0 to the State. 21 MS. KRAMER: Okay. I don't have any more questions right now. 22 I will 2.3 reserve the rest of my time for follow up. And thank you very much for your 24 25 time today, Mr. Daigle.

1 THE WITNESS: Thank you. 2 MR. LAKEY: And just for the 3 record, this is Jon Lakey. We've met during 4 the -- during the course of the day. represent Johnson City. 5 I'm sorry, Jon. 6 MS. KRAMER: 7 COURT REPORTER: Hey, Jon, can you make your microphone a little bit louder? 8 9 MR. LAKEY: Yes, I will. I do have one more 10 MS. KRAMER: 11 question. I'm sorry. It's going to be fast. I'm sorry about that. 12 13 BY MS. KRAMER: 14 Ο. Sorry, Mr. Daigle. I almost let 15 you go, but I realized I asked you earlier if you 16 had spoken with any defense counsel prior to your 17 deposition today, and you told me about your conversation with Danny Rader, correct? 18 19 Α. Yes. 20 And I didn't actually ask you by Ο. 21 name if you had had any other conversations. 22 I'll do that just to make that question more clear. 2.3 Did you talk to Erick Herrin prior to your deposition today? 24 25 Α. No.

1	Q. Have you talked to Erick Herrin
2	ever?
3	A. I believe I have at some point. I
4	just I don't know whether it was to set up I
5	don't it wasn't a substantive conversation. I
6	might be completely wrong, but the name sounds
7	familiar to me.
8	Q. You didn't interview him in
9	connection with the audit that you did of the
10	Johnson City Police Department sex crimes
11	investigations, correct?
12	A. I did not interview any attorneys,
13	no.
14	Q. Have you spoken to Emily Taylor
15	prior to your deposition today?
16	A. No. I'm only getting confused
17	because there's so many emails. We talked about the
18	emails. So other than but physical talking, I
19	don't think so.
20	Q. About Kristen Berexa, did you speak
21	with Kristen Berexa prior to your deposition today?
22	A. Not to my knowledge.
23	Q. And how about Keith Grant? Did you
24	speak to him prior to your deposition today?
25	A. No.

1 MS. KRAMER: Okay. Now I'm done. 2 Thank you. 3 THE WITNESS: Thank you. 4 MR. LAKEY: Just real quick, what 5 time are we at, total time used? COURT REPORTER: Let's see. 5:42. 6 7 VIDEOGRAPHER: That's 12 minutes for this. 8 9 MR. LAKEY: That's six hours and 16 minutes by my math. 10 Does that sound right? 11 VIDEOGRAPHER: Yes, I think so. 12 13 MR. LAKEY: Okay. So just so we're 14 clear on the record, Mr. Daigle, I'm Jon 15 Lakey. I represent the City of Johnson 16 City, and we're reserving our questioning until -- I think we're set to come back to 17 18 your beautiful area on August 19th for your 19 deposition when the defendants will depose 2.0 you. And, as Ms. Kramer said, she's 21 22 reserved some follow up. And if we don't 2.3 use up all our time, we may just follow up right after she's done. 24 25 Is that acceptable?

1	THE WITNESS: Yes, sir.
2	MR. LAKEY: Okay. Thank you.
3	COURT REPORTER: Is that it?
4	MS. KRAMER: That's all she wrote.
5	VIDEOGRAPHER: Okay. We are off
6	the record. The time is 5:55 p.m. Eastern
7	time.
8	FURTHER THIS DEPONENT SAITH NOT.
9	(Deposition ended at 5:55 p.m.)
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1	CERTIFICATE	
2	STATE OF TENNESSEE:	
3	COUNTY OF KNOX:	
4		
5	I, Jeffrey D. Rusk, Registered	
6	Professional Reporter and Notary Public, do hereby	
7	certify that I reported in machine shorthand the	
8	foregoing proceedings; that the foregoing pages,	
9	inclusive, were prepared by me using computer-aided	
10	transcription and constitute a true and accurate	
11	record of said proceedings.	
12	I further certify that I am not an	
13	attorney or relative of any attorney or counsel	
14	connected with the action, nor financially	
15	interested in the action.	
16	Witness my hand and official seal	
17	this the 10th day of June, 2024.	1
18	TENNESSEE	
19	ATO Revoll MOLANICE	3
20		
21	Jeffrey D. Rusk, RPR, CLVS Notary Public at Large	
22	My Commission Expires: 4/29/2026 TCRB License No. 212	
23	TORD DICEMBE NO. 212	
24		
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